

CHAPTER 6-000 LICENSING FOSTER HOMES, GROUP HOMES, CHILD CARING AGENCIES,
AND CHILD PLACING AGENCIES

6-001 – 6-002 (Reserved)

6-003 Foster Care Home Licensing:

6-003.01 Scope and Authority: The Nebraska Department of Health and Human Services is responsible for licensing foster homes, group homes, child caring agencies, and child placing agencies, as authorized in Neb. Rev. Stat. Sections 43-296, 43-701 to 43-707, and 71-1901 to 71-1907. This section contains material governing the administration of foster care licensing.

Material governing the licensing of group homes, child caring agencies, and child placing agencies is in 474 NAC 6-005. Additional licensing requirements for group homes are in 474 NAC 6-006, for child caring agencies in 474 NAC 6-008, and for child placing agencies in 474 NAC 6-009.

6-003.02 Definitions

Criminal History: a county, state, or federal criminal history of conviction or pending indictment of a misdemeanor or felony, as specified in 474 NAC 6-003.25B, that bears upon an individual's fitness to have responsibility for the safety and well-being of children placed in his/her care.

Department: Department of Health and Human Services.

Foster Home: A private single-family living unit, under one roof, housing no more than nine children under age 19 which provides 24-hour child care to a maximum of nine foster children.

Licensing Agent: The person who directly handles a licensing case.

Operating License: A legal document effective for two years which allows care to be provided at the location stated on the license.

Provisional License: A time-limited, nonrenewable license issued to an applicant who is unable to comply with all licensure requirements and standards and is capable of compliance within the time period stated on the license.

Probationary License: A time-limited, nonrenewable license that is issued to a licensee who agrees to establish compliance with rules and regulations that, when violated, do not present an unreasonable risk to the health, safety, or well-being of the foster children in care.

6-003.03 License Required: A license is required when a person or business is engaged in the service of exercising 24-hour daily care, supervision, custody, or control over two or more children age 15 or younger, from more than one family, for compensation or hire. This care must be in lieu of the care or supervision normally exercised by parents in their own home.

To provide child care for children in a foster home, the provider shall obtain a separate child care center or child care home license and, if applicable, HHS payment approval.

Each applicant/licensee shall comply with all applicable federal, state, and local subdivision laws, ordinances, and regulations.

6-003.03A Exemptions: The following foster care services are not required by state law to be licensed, but may voluntarily apply for a license:

1. Facilities providing only casual care at irregular intervals;
2. Care that is provided without charge or any form of compensation;
3. Care given to children from one family only;
4. Care provided only to children age 16 or older;
5. Care provided by grandparents to their grandchildren;
6. Care provided within geographic territories not subject to state law, such as military installations; and
7. Health care provided to children in a facility licensed by the Department of Health and Human Services Regulation and Licensure as a center for the developmentally disabled or an intermediate care facility.

6-003.04 Inquiries: The unit having jurisdiction shall handle all phone or letter inquiries. The licensing agent shall ensure that a copy of the appropriate minimum requirements booklet is sent to all potential applicants. If requested the agent shall also send a License Application.

6-003.05 Application

6-003.05A Signing Application: Each applicant shall sign a licensing application form, attached and incorporated by reference into these regulations. All private home license applications must be signed by the applicant's spouse, if applicable. An application must come with the recommendation of a Nebraska Placing Agency.

6-003.05B Time Guide for Processing: The licensing agent shall initiate action on an application within ten days of receipt. The licensing agent may recommend denial of any application pending beyond three months due to inaction on the part of the applicant.

6-003.05C Signing Releases: Each applicant shall sign a release of information and provide background information for use in background checks.

6-003.06 Authority to Visit: The licensee shall allow the Department to visit and inspect the facility at any reasonable time to -

1. Check for compliance with requirements; or
2. Investigate a complaint.

If there is no current application or license, the licensing agent may enter the facility only with the permission of an occupant of the house or individual in charge of the facility at the time of the visit. The licensing agent does not have authority to visit on complaints even if there is a current application or license, without the permission of the occupant.

The provider may refuse to allow entrance, at the risk of losing his/her license, regardless of the licensing status.

6-003.07 Health Information Report: All household members of the age of majority who provide care shall present a "Health Information Report" or a report containing all information required in the Health Information Report. The report shall be updated every two years.

If the individual indicates that s/he is currently taking prescribed medications, the applicant shall, if requested, provide a written physician's statement regarding the medication's effect on her/his ability to care for children.

If the Health Information Report or the agent's observation indicates that an applicant has a potential health problem which may interfere with care, the agent shall request a physical examination by a physician regarding the problem.

6-003.08 Fire Safety Referrals: The licensing agent shall make a referral to the State Fire Marshal's Office or to their local delegated authority to request a fire safety inspection per agreement with the State Fire Marshal.

Obtaining fire safety approval is the responsibility of the applicant. Applicants caring for seven or more children must meet the requirements contained in the Life Safety Code, 1994 Edition for Small Residential Board and Care Facilities.

6-003.08A Exceptions: Foster families that are licensed as of 01-01-1997 for any number of children based on current Health and Human Services regulations will continue to operate at current capacity as long as the foster family remains at the same facility.

6-003.08B Verification of Concern Referral: If licensing staff questions fire safety in a facility s/he shall make a referral to the inspection authority having jurisdiction.

6-003.09 Sanitation Inspection

6-003.09A Initial Application: If an applicant will provide care for seven or more foster children, the agent shall make a referral to the Nebraska Department of Health and Human Services Regulation and Licensure or the local health department having jurisdiction to request a sanitation inspection. Obtaining sanitation approval is the responsibility of the applicant.

6-003.09B Renewals: The licensing agent shall make sanitation referrals for the renewal of all licenses when required.

6-003.09C Verification of Concern Referral: If licensing staff questions compliance with sanitation requirements in a facility s/he shall make a referral to the inspection authority having jurisdiction.

6-003.10 Compliance Evaluation: The licensing agent shall evaluate each applicant to determine compliance with the requirements for licensing.

6-003.10A Initial License: The licensing agent shall evaluate all initial applications through an on-site visit and completion the appropriate checklist.

6-003.10B Renewal: The licensing agent shall evaluate requests for license renewal through an on-site visit. This should be done at least 30 calendar days before the license expires. Licenses shall be subject to renewal under the same terms and conditions as the original license, except that if a licensee submits a completed renewal application thirty days or more before the licensee's expiration date, the license shall remain in effect until the Department either renews the license or denies the renewal application. If the agent has received notice that the licensee does not intend to renew the license, s/he shall close the case upon expiration of the license without further action.

6-003.10C Evaluation Review: When complete, the applicant/licensee shall review the evaluation before the license is renewed.

6-003.11 Recommendation for Licensure

6-003.11A Compliance for Licensure: The licensing agent shall recommend the licensing of applicants who are in compliance (or have submitted a plan with a deadline by which compliance will be attained) with all standards. Each applicant must have received necessary approvals from fire safety and sanitation authorities.

6-003.11B Non-Compliance: After evaluating applications for either initial or renewed licenses, the licensing agent shall notify each applicant of any points of non-compliance. If the applicant does not meet requirements within three months after the application was received, the licensing agent shall recommend that the license be denied on the basis of the applicant's inaction or failure to comply (see 474 NAC 6-003.05B).

6-003.12 Alternative Compliance: An applicant/licensee may request to comply with a regulation with a time-limited alternative request. The applicant/licensee shall initiate the request. All requests must be submitted in writing to the licensing agent for approval. Each request must be submitted separately. The alternative compliance request will expire when the license expires. The licensee must submit a new alternative request with each renewal application.

Requests for an alternative form of compliance regarding child/staff ratio are not accepted. Any requests regarding fire safety or sanitation requirements are directed to the state or local fire authority or to the state or local health department.

The licensing agent may make a follow-up visit to verify that compliance has been met.

6-003.12A Time for Compliance: No limit may be placed on the amount or time allowed the applicant for initial license to comply with requirements other than the three month limit. License issuance will await compliance; the licensing agent shall recommend denial of a license when the application has been pending more than three months. A person holding a current license may be allowed no more than 30 days, not to exceed beyond the period of licensure, to comply with requirements.

6-003.12B Provisional Licenses: The Department may issue a time-limited, nonrenewable provisional license to an applicant who is unable to comply with all licensure requirements and standards, is making a good faith effort to comply, and is capable of compliance within the time period stated in the license.

6-003.13 Non-Compliance with Requirements: The licensing agent shall notify the applicant/licensee in writing of any points of non-compliance with licensing requirements.

When the deficiencies have been corrected, the applicant/licensee shall report in writing how requirements have been met. The applicant/licensee shall receive one copy and the licensing agent shall retain a copy for the file.

6-003.14 Background Checks: Each household member, appropriate to age, must be checked with the State Central Register of child protection cases, the Adult Protective Services Central Registry, the State Patrol Sexual Offenders Registry, and the State Patrol for a National Criminal History Check with the Identification Division of the Federal Bureau of Investigation, before the final decision regarding issuance is made. (See 474 NAC 6-003.25B.)

Any time during the period of licensure, the information contained in the registries may be used to document noncompliance with requirements regarding character and/or judgment, or as evidence for the revocation of a license. The licensing agent responsible for an individual case has the right to obtain any child protective service report in regard to that case.

6-003.15 Amending a License: Following the issuance of a license, if a facility makes changes in the number of children for whom it is licensed, the ages of the children cared for, or a change in the location of the license, the license will be amended after the licensee submits a new application, if the same requirements are applicable. If different requirements are to be applied, a new license application is needed and the regular evaluation process conducted.

6-003.16 Licensing Authority: Licensing agent responsibilities for foster homes may be delegated to -

1. The local office;
2. A licensed child placing agency;
3. County, district, or separate juvenile court staff; or
4. Other Department-approved agencies.

Foster care home licensing is the responsibility of the local office unless specifically assumed by another jurisdiction with approval by Central Office.

Child placing agencies which have been granted the authority to act as a licensing agent for foster homes may not be limited to geographic territory.

6-003.17 Public Access to Licensing Files: Department staff shall release information regarding a foster home licensee's name, address, telephone number, type of license, number of children, hours and days of care, name of licensing agent, license number, and license effective dates upon verbal or written request. Names of enrolled children and their parents and names of complainants must remain confidential.

The Department shall release the following foster home information only to courts and probation, parole, and child placing agencies:

1. License Application for Private Homes;
2. Fire safety inspection reports;
3. Compliance Review Checklist;
4. Reports of Non Compliance;
5. Alternative Compliance Requests; and
6. Sanitation inspection reports.

Information must not be released until an investigation/evaluation is complete, and until ten working days have passed after the licensee has received the final report. The request must specify the type of report(s) and the time period for which the report(s) is being requested. The Department may request reimbursement for photocopying costs.

If the individual making the request wishes only to review the reports, s/he shall do so in the presence of Department staff.

Department staff shall make available to the licensee the name and address of the person requesting the information, upon request.

6-003.18 Declaratory Ruling Request: An applicant/licensee may request a declaratory ruling regarding the application of a requirement to his/her particular situation.

A declaratory ruling may be requested when the application of the requirement is unclear or the interpretation of the requirement given by the licensing agent is not acceptable to the applicant/licensee.

Both the applicant/licensee and the licensing agent shall submit written statements to the Director, including the following information:

1. The requirement being questioned;
2. The decision being sought;
3. All pertinent facts about the specific situation; and
4. The rationale for his/her interpretation.

6-003.19 Denial, Revocation, or Suspension of a License: The decision to deny, revoke, or suspend a license is made by Department staff based on the documentation and recommendation provided by the licensing agent. In these cases, Department supervisory staff shall send a standardized, Central Office-approved letter of notice indicating the reason for the action 15 days in advance of its effective date to the applicant/licensee. If a license is denied or revoked, the applicant has the right to reapply at any time s/he is in compliance with requirements.

6-003.19A Denial: The licensing agent shall recommend the denial of an applicant who does not comply with requirements through inability, unwillingness, or exceeding time allowed for compliance.

6-003.19B Revocation: The licensing agent shall recommend the revocation of the license of any licensee who does not comply with requirements after having been given written notice in accordance with noncompliance procedures.

6-003.19C Suspension of a License: The licensing agent may recommend the suspension of a license or suspension of further placements when more than 15 days will be needed to allow for investigation and/or court proceedings under the following circumstances:

1. When a complaint of suspected child abuse or neglect has been filed;
2. When any Department representative observes conditions or behaviors which may indicate suspected child abuse or neglect;
3. When a licensee or member of his/her household has a criminal charge filed against them involving a crime against children or other crimes, as specified in 474 NAC 6-003.25B, which may affect the care of children;
4. When a child under care dies; or
5. When any requirement is not being met and suspension is deemed necessary by the Department.

The licensing agent shall document the concern in narrative format indicating the circumstances, requesting suspension, and attaching any documented information such as a complaint form or an arrest record.

6-003.19D Probationary Licenses: The Department may issue a time-limited, nonrenewable probationary license to a licensee who agrees to establish compliance with rules and regulations that, when violated, do not present an unreasonable risk to the health, safety, or well-being of the foster children in the care of the applicant.

6-003.19E Suspension or Revocation Due to Violation of Transportation Requirements: As required by Section 71-1907, Nebraska Revised Statutes, the Nebraska Department of Health and Human Services shall revoke or suspend the license of any foster care provider transporting a child in violation of Neb. Rev. Stat. Sections 60-6,267, 60-6,268, and 71-1907.

6-003.20 Licensing Decision Appeals: The decision to deny, revoke, or suspend a license will be effective 15 days following provision of the notice. The applicant/licensee may appeal the licensing decision within 30 days after the date of the notice by submitting a written request to Central Office. However, if the licensee requests an appeal of a revocation or suspension within the 15 days, the license will remain in effect until a hearing is held and a decision is made on the appeal.

6-003.21 Complaints

6-003.21A Complaints on Suspected Child Abuse or Neglect: Upon receipt of a complaint alleging child abuse/neglect, the licensing agent shall -

1. Inform the complainant of his/her responsibility to report the situation to the proper law enforcement agency or Child Protective Services; and
2. Immediately report the alleged abuse/neglect to the proper law enforcement agency or Child Protective Services.

Following the Child Protective Services investigation, the agent shall obtain a report and review it for potential action regarding the person's license.

6-003.21B Processing Complaints: For complaints regarding violations of licensing standards and are not related to abuse/neglect, the licensing agent shall -

1. Document the complaint;
2. Keep names of complainants confidential;
3. Initiate an investigation, which may include -
 - a. Interviewing the person about whom the complaint was given;
 - b. Interviewing all persons aware of the circumstances included in the complaint;
 - c. Review physical setting indicated in the complaint;
 - d. Determine who witnessed the occurrence stated in the complaint; and
 - e. Review all reports from other agencies (i.e., law enforcement reports, Child Protective Services);
4. If noncompliance with licensing requirements is found, follow noncompliance procedures;

5. Report results of the investigation in narrative form, including -
 - a. Statements made by person interviewed;
 - b. Facts obtained during interviews;
 - c. The investigator's observations; and
 - d. A list of witnesses' names, addresses, and telephone numbers; and
6. Report results, resolutions, and recommendations of the investigation to placing agency. All findings should be documented in narrative form.

6-003.21C Child Placing Agencies That License Their Own Foster Homes: For those child placing agencies that license foster homes, the Department shall:

1. Develop a protocol that addresses how complaints will be handled in the agency, including the reporting of all complaints to the appropriate authority;
2. Obtain information from agencies regarding their complaint investigations.

6-003.22 Complaints on Unlicensed Care: A licensing agent will investigate complaints regarding unlicensed foster care. If the person(s) discontinue(s) the unlicensed care upon notification by the licensing agent regarding the need for a license, there shall be a signed agreement that the person(s) will no longer give care without a license. If the unlicensed care is verified and the person(s) will not discontinue the unlicensed care, the licensing agent will write a formal letter informing the county attorney of the unlicensed care. The licensing agent will follow up with the county attorney to ensure unlicensed care is discontinued.

6-003.23 Licensee Renewal Responsibilities: Each applicant for license renewal shall -

1. Complete an application form (a list of references is not required for renewal);
2. Submit a current "Health Information Report" to self-certify compliance every two years;
3. Meet requirements for fire safety and sanitation; and
4. Meet all training requirements.

6-003.24 Minimum Regulations for Foster Homes: The regulations which follow in 474 NAC 6-003.25 through 6-003.26 are the minimum requirements for a foster care license. All applicants for a foster home license after the effective date shall meet these regulations to obtain a license. A license issued before these regulations become effective is valid until time of license renewal.

The issuance of a foster care license does not guarantee the placement of children.

6-003.25 Foster Families

6-003.25A Character and Ability: All adults providing foster care shall -

1. Be mentally and physically able to provide care and supervision;
2. Exercise reasonable judgment in caring for children;
3. Not engage in or have a history of behaviors which would injure or endanger the health or morals of children; and
4. Provide -
 - a. Three favorable character references; and
 - b. Health reports indicating persons are physically capable of caring for children. After initial licensing, a new self-certifying health report must be provided every two years.

A conviction for, an admission of, or substantial evidence of crimes involving intentional bodily harm, crimes against children, or crimes involving moral turpitude on the part of the foster parent(s) or any other member of the household which has current bearing on the applicants' provision of foster care is basis for the denial or revocation of a license.

6-003.25B Background Checks: Each household member, appropriate to age, must be cleared with the State Central Register of child protection cases, the Adult Protective Services Central Registry, the appropriate local law enforcement agency, the State Patrol Sexual Offenders Registry, and the State Patrol for a National Criminal History Check with the Identification Division of the Federal Bureau of Investigation.

6-003.25B1 Local, State, and National Criminal History: Each household member age 18 or older is subject to criminal history checks and shall file a complete set of his/her legible fingerprints and biographical information with the Nebraska State Patrol. The Department is responsible for fingerprinting and processing fees for the National Criminal History Check.

- a. The Department shall deny licensure to any applicant currently charged, indicted, or convicted for any of the following crimes:
 - (1) Aggravated or armed robbery;
 - (2) Arson;
 - (3) Assault, first or second degree;
 - (4) Child abandonment;
 - (5) Child abuse;
 - (6) Child molestation or debauching a minor;
 - (7) Child neglect;
 - (8) Commercial sexual exploitation of a minor;
 - (9) Criminal non-support;
 - (10) Domestic violence;
 - (11) Exploitation of a minor involving drug offenses;

- (12) Felony controlled substances offenses;
- (13) Felony violation of custody;
- (14) Incest;
- (15) Kidnapping;
- (16) Murder, first or second degree;
- (17) Robbery;
- (18) Sexual abuse of a minor;
- (19) Sexual assault;
- (20) Sexual exploitation of a minor, including child pornography; or
- (21) Voluntary manslaughter.

- b. The Department shall deny licensure to any applicant convicted in the last five years of any of the following crimes:

- (1) Burglary;
- (2) Driving under the influence;
- (3) Misdemeanor controlled substances offenses; or
- (4) Misdemeanor contributing to the delinquency of a child.

6-003.25B2 Central Register of Child Protection Cases: Each household member age 13 or older must be cleared against the Central Register.

- a. The Department shall deny licensure if any household member is identified as a perpetrator on the Central Register.

6-003.25B3 Adult Protective Services (APS) Central Registry: Each household member age 18 or older must be cleared against the APS Central Registry.

- a. The Department shall deny licensure if any household member is identified as a perpetrator on the APS Central Registry.

6-003.25C Age: Foster parents must have attained the age of majority.

6-003.25D Cooperation: The foster family shall cooperate with the licensing agency.

6-003.26 Foster Care Program

6-003.26A Maximum Children: Care provided at any time is limited to no more than nine children under the age of majority, including children related to the foster parents by blood or adoption. No more than 6 of these children may be age 12 or younger. The maximum also includes any adults for whom care is provided.

6-003.26A1 Ratio: For every six children in the home, there must reside at least one adult responsible for their care and supervision. A child with sufficient maturity may be left temporarily without direct supervision, at the adult's discretion.

An exemption from compliance with this regulation may be granted when seven or more children are in care in a licensed foster home and -

1. A foster parent dies, placing the surviving spouse out of compliance with the regulation at 474 NAC 6-003.26A1;
2. The foster parents divorce; or
3. A foster parent is absent from the household for an extended period of time due to -
 - a. Active military duty; or
 - b. Illness.

An exemption may be granted only to allow for the continued placement of children who were placed in the foster home before the death or absence of the foster parent.

6-003.27 Care: The licensee shall -

1. Provide instruction to foster children regarding routine health and hygiene practices such as bathing, and proper sleep and eating habits; and
2. Provide for emergency medical treatment.

6-003.28 Transportation Safety: Foster home licensees shall ensure that safety restraints are available and used for each child transported, in compliance with Neb. Rev. Stat. Sections 60-6,267, 60-6,268, and 71-1907. Restraints are not required for children transported by public transportation or school bus.

6-003.29 Guidance: The licensee shall -

1. Permit and encourage each child to participate in appropriate family, neighborhood, school, church, cultural, and community activities; and
2. Permit each child to practice and further his/her own religious beliefs.

6-003.30 Records: The licensee shall maintain and update the following written information on each child:

1. Full name of child;
2. Name, address, and phone number of the child's physician;
3. Name, address, and phone number of the person or agency holding custody of the child;
4. Past (if available) and current immunizations;
5. Significant health problems (if available);
6. Emergency medical treatment; and
7. List of persons to whom child may be released for overnight or extended visits.

The agency or individual placing the child shall provide this information.

6-003.31 Confidentiality: Foster parents shall respect the client's right to confidentiality. Any information concerning a child, his/her family, or background must be used only for the benefit of the child in working with persons or agencies directly involved in the case.

6-003.32 Discipline: Foster parents shall -

1. Use discipline only as a learning process in which certain specific consequences are the result of unacceptable behavior; and
2. Never use the following as discipline:
 - a. Physical punishment or abuse;
 - b. Denial of necessities;
 - c. Chemical or mechanical restraints; or
 - d. Derogatory remarks, abusive or profane language, yelling or screaming, or threats of physical punishment.

6-003.33 Acceptance of Placement: Foster parents shall -

1. Assess their personal capacities, the facility, and their community to determine what services they are able to offer to foster children. Their acceptance of the placement of a child must be based on this assessment and not on the race, color, national origin, or handicap of the child;
2. Inform other agencies having a client (adult or child) currently placed in the home of the acceptance of a new child or children for care; and
3. If the Interstate Compact on Placement of Children applies, obtain approval from the compact administrator before accepting the child(ren). The compact applies when children come from another state and are placed in a non-relative home.

6-003.34 Training: Each adult who provides foster care shall obtain -

1. Twenty-one clock hours of Department-approved pre-service training before initial licensure. Foster parents who are licensed before the effective date of this regulation are exempt from this requirement; and
2. At least 12 clock hours of Department-approved in-service training annually within the effective dates of his/her license.

Each training hour must be approved by the licensing agent and must be directly related to the skills necessary to care for children in out-of-home care.

6-003.34A Activities Counted as Training: Each hour spent participating in any of the following types of child care-related activities counts toward pre-service and yearly in-service requirements:

1. Department-sponsored training;
2. Workshops;
3. In-service training sponsored by professional organizations or educational institutions;
4. Department-approved reading material;
5. College courses;
6. Non-credit course work;
7. Adult education courses; and
8. Videotaped material.

Written documentation must be available for each of the listed types of training.

6-003.34B Waiver of Training Requirements: Waiving the licensing regulation that requires training prior to licensure and as an ongoing condition of licensure to provide foster care is allowed by federal regulation and state statute at Neb. Rev. Stat. §71-1904(2). The training may be waived in whole or in part by the Department for persons operating foster homes providing care only to relatives of the foster care provider.

The waivers will be granted on a case-by-case basis upon assessment by the Department of the appropriateness of the relative foster care placement. A waiver of all or part of the training requirement may be granted only if the following conditions are met:

1. A waiver of the training requirement, in whole or in part, will not compromise the child's (children's) safety;
2. The relative foster parent is willing and able to understand and deal with the emotional, physical, and medical needs of the child(ren) to be placed; issues related to parents, siblings, or other relatives, including visitation; discipline; and any special needs that the child might have;
3. The relative foster parent understands his or her role with the Department, child, and child's other relatives;
4. The relative foster parent is willing and able to cooperate with the Department's case plan; and
5. The placement is appropriate for the child and in the child's best interest.

In some instances, when specific training needs are identified, the Department's formal training curriculum may be waived while still requiring child-specific training, or some form of training such as that listed in 474 NAC 6-003.34A.

A waiver of all or part of the training requirement may be approved by the supervisor, or worker with supervisory approval. The approval must be done in writing, in a format designated by the Department.

6-003.35 Environmental Requirements:

6-003.35A Facilities: To be licensed, all foster homes must have -

1. Rooms which are clean, dry, well-ventilated, in good repair, and easily cleanable;
2. At least 35 square feet per individual excluding bedrooms, bathroom(s), and kitchen;
3. Facilities for bathing and toileting; and
4. Bedrooms with at least 35 square feet for each child occupying them.

6-003.35B Bedrooms: The licensee shall ensure that -

1. Rooms primarily used for other purposes are not used as a bedroom for foster children;
2. All bedrooms are accessible directly without having to go through another bedroom;
3. Children are provided with a bed, bedding, and a place to store their belongings; and
4. Separate bedrooms are provided for children of opposite sexes, when required by the placing agency.

6-003.35C Lighting: The licensee shall ensure that -

1. All rooms, halls, and entrances are adequately lighted; and
2. All artificial lighting, except for emergency lighting, is electrical.

6-003.35D Heating: The licensee shall ensure that -

1. Heating is maintained at least 65 degrees Fahrenheit during cold weather. Nighttime temperatures must not be less than 60 degrees Fahrenheit;
2. Non-electrical heating is vented;
3. Non-electrical portable heaters are not used; and
4. Electrical heaters, if used, are UL listed and securely attached to the wall, floor, or ceiling.

6-003.35E Water Supply: The licensee shall ensure that the water supply is -

1. Tested annually, by a certified lab, for bacteria if from a private well; and
2. Tested annually, by a certified lab, for nitrates if from a private well and there are children in care age one or younger.

6-003.35F Nutrition and Food Service: The licensee shall ensure that -

1. Food is provided which meets each child's daily nutritional needs;
2. All food storage and food storage areas are clean, dry, and free of insects and rodents;
3. Food preparation, eating, and drinking utensils are cleaned after each use; and
4. Any refrigerator used for storage of perishable food is clean and in good repair.

6-003.35G Hazardous Materials and Equipment: The licensee shall ensure that -

1. Drugs, cleaning agents, poisons, and other potentially hazardous items are inaccessible to youth;
2. All weapons and firearms are deactivated and locked or stored in a locked cabinet or area; and
3. All ammunition is stored in a locked cabinet or area and stored separate from the firearms.

6-003.35H Outdoor Recreational Area: The licensee shall ensure that the grounds are clean, well-drained, and hazard-free.

6-003.35J Waste Disposal: The licensee shall ensure that -

1. Garbage is collected in covered containers and disposed of regularly; and
2. A sewer system is used; or
3. Fly and rodent prevention measures are employed where there is an outdoor toilet.

6-003.35K Safety

6-003.35K1 Fire Safety: Foster homes licensed for three or fewer children shall meet the following fire safety standards:

1. A plan for evacuation from fire or like hazard is formulated and practiced with foster children;
2. The licensee shall ensure that bedrooms located below grade level, used by foster children, are protected by a single station approved smoke detector and maintained according to manufacturer's recommendations; and
3. The foster home must have at least two exits on grade level.

6-003.35K2 Fire Safety for Foster Homes Caring for Four, Five, and Six: Foster homes licensed for four, five, and six foster children shall meet the following fire safety standards:

1. A plan for evacuation from fire or like hazards is formulated and practiced with foster children;
2. Foster home must have at least two exits on grade level;
3. Foster homes must have at least two means of escape from every level of the home used for care. One of the exits may be a window that is at least 5.7 square feet of clear space and no more than 44 inches off the ground; and
4. Operable smoke detectors which are located on each level of the home used for care.

6-003.35K3 Fire Safety: Foster homes lodging seven or more individuals outside of the family must meet the requirements contained in the "Life Safety Code, Edition 1994," for Small Residential Board and Care Facilities. These facilities must be inspected by the State Fire Marshal or the local fire authority having jurisdiction. (Exception: Refer to 6-003.08A.)

6-003.36 Sanitation Requirements for Seven or More Foster Children: Sanitation regulations are set by the Nebraska Department of Health and Human Services Regulation and Licensure as required by Neb. Rev. Stat. Section 71-1903. Foster care home licensees who are licensed for seven or more children shall comply with the regulations in this subsection.

6-003.36A Construction: The licensee shall ensure that -

1. The walls, floors, and ceilings of all rooms are easily cleaned, washed, or painted, and are kept clean and in good repair;
2. The construction and maintenance of all buildings prevents the entrance and harborage of any insects or rodents; and
3. The premises of all institutions are kept neat and clean and free from barnyard animals and poultry.

6-003.36B Heating: The licensee shall ensure that heating is maintained at least 65 degrees Fahrenheit during cold weather. Nighttime temperatures must not be less than 60 degrees Fahrenheit.

6-003.36C Toilet Facilities: Every home shall provide conveniently located toilet facilities at a ratio of one toilet to six children. In homes hereafter constructed, toilet rooms must not open directly into any room in which food, drink, or utensils are handled or stored. Toilet rooms must be kept clean, in good repair, well-lighted, and well-ventilated; toilets must be fully enclosed. Toilet facilities must be on the same floor as children's sleeping rooms.

6-003.36D Lavatory Facilities: The home shall provide hand-washing facilities at a ratio of not less than one lavatory to each toilet. Hot and cold running water, soap, individual towels, and wash cloths must be provided.

6-003.36E Water: The licensee shall ensure that -

1. The water supply is obtained from a source which is properly located, constructed, and operated to protect it from contamination and pollution;
2. Water meets current standards set by the Nebraska Department of Health and Human Services Regulation and Licensure as to bacteriological, chemical, and physical tests for purity;
3. Water is tested annually for bacteria;
4. Water is tested annually for nitrates if from a private well and there are children in care age one or younger;
5. The water heater has a temperature or pressure relief valve;
6. Adequate water-heating facilities are provided so that a sufficient amount of hot water for general cleaning and washing and sanitizing utensils is available at proper temperatures; and
7. Drinking water is provided by sanitary drinking fountains or individual cups; the use of common drinking containers is prohibited.

6-003.36F Plumbing: The licensee shall not install nor permit to exist any plumbing fixture or other device which provides a connection between a drinking water supply and a drainage, soil, waste, or sewer pipe so as to make possible the back flow of sewage or waste into the water supply system. Water that has been used for cooking or for many other purposes must not be returned to the system. All pipes and fixtures must be kept clean and in good repair. All plumbing must comply with local or state plumbing ordinances and codes. Where no plumbing code is in effect, plumbing must conform to the National Plumbing Code USA A 40.8 - 1955.

6-003.36G Ventilation: The licensee shall ensure that -

1. Dormitory and play areas have window areas, equal to not less than one-tenth of the floor area, which can be opened for ventilation; and
2. Kitchen, bathrooms, and service rooms are so located and ventilated, by window or mechanical means through a vent leading directly to the outside, that offensive odors will be prevented from entering children's rooms and hallways.

6-003.36H Sewage Disposal: Sewage must be discharged into a municipal sewerage system where such a system is available; otherwise, the sewage disposal must comply with requirements set by the Nebraska Department of Health and Human Services Regulation and Licensure.

6-003.36J Garbage and Refuse Storage and Disposal: All garbage and refuse must be collected, stored, and disposed of in a manner that will not create a nuisance, or provide a breeding place for flies or harborage for rats. All containers for garbage and refuse must be water-tight, have tight fitting covers, and be fly and rodent proof. Garbage containers must be kept clean.

6-003.36K Lighting: The licensee shall ensure that -

1. Each sleeping room is an outside room with a satisfactory amount of natural light;
2. The window area for new applications equals not less than one-tenth of the floor area;
3. Every room, including storerooms, hallways, stairways, inclines, ramps, and entrances are adequately lighted;
4. Lighting fixtures are selected and located with a view to the comfort and safety of residents and personnel; and
5. All service rooms, working centers, and medicine cabinets, are adequately lighted.

6-003.36L Food Service: All aspects of food service sanitation must comply with Part IV of the Food Service Sanitation Manual, 1976, Recommendation of the U.S. Public Health Service.

6-004 Native American Foster Home Licensing

6-004.01 Administration

6-004.01A Legal Basis: Foster care licensing is a responsibility of the Nebraska Department of Health and Human Services as mandated by Neb. Rev. Stat. §§43-296 and 71-1901 through 71-1907. The authority for a separate set of foster home licensing regulations for Native American families is contained in Neb. Rev. Stat. §71-1906.01.

6-004.01B Licensing Authority: Licensing agent responsibilities for Native American foster homes may be delegated to:

1. The local office;
2. A licensed child placing agency;
3. County, district, or separate juvenile court staff; or
4. Other Department-approved agencies.

Foster care home licensing is the responsibility of the local office unless specifically assumed by another jurisdiction with approval by Central Office.

Child placing agencies that have been granted the authority to act as a licensing agent for foster homes shall not be limited to geographic territory.

6-004.01C Policies:

Public Access to Licensing Files: Department staff shall release information regarding a foster home licensee's name, address, telephone number, type of license, number of children, hours and days of care, name of licensing agent, license number, and license effective dates upon verbal or written request. Names of complainants shall be released only upon court order.

Central Office shall release the following foster home information only to courts and probation, parole, and child placing agencies:

1. License Application; and
2. Foster Care Home Requirements Compliance Review.

If the individual making the request wishes only to review the reports, s/he shall do so in the presence of Department staff.

All personal or identifying information concerning foster children including but not limited to: background, family, identity and locations of other past or future placements shall be treated as confidential by all persons involved with the children. In this context, confidential means that any information concerning a child, family, or background may only be used for the benefit of the child in working with persons or agencies directly involved with the child.

6-004.02 Definitions

Note: The terms Native American and Indian are used interchangeably.

Foster Care: Engaged in the service of exercising twenty-four-hour daily care, supervision, custody, or control over children, for compensations or hire, in lieu of the care or supervision normally exercised by parents in their own home. Foster care shall not include casual care at irregular intervals or programs as defined in section Neb. Rev. Stat. §71-1910.

Health Practitioner: A Certified Nurse Practitioner, Physician, Physician Assistant, or Registered Nurse.

Indian Tribe: Any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the secretary because of their status as Indians.

In-Service Training: Includes each hour documented and spent in any of the following activities:

1. Department-sponsored training;
2. Workshops;
3. In-service training sponsored by professional organizations or educational institutions;
4. Department approved reading materials;
5. College courses;
6. Non-credit course work;
7. Adult education courses;
8. Videotaped material; and
9. Culture-enhancing activities.

Liaison: An adult individual chosen and arranged by the applicant to serve as an advocate or interpreter during the licensing process.

Licensing Agent: The staff person who directly handles a licensing case.

Native American: Person who is a member of an Indian tribe or eligible for membership in an Indian tribe.

Native American Family: The extended family inclusive of those relatives defined by native custom and tradition.

Native American Foster Parent: A Native American person aged 19 years or older who is a member of an Indian tribe or eligible for membership in an Indian tribe and has applied and been approved as a foster parent.

Native American Marriage: A traditional marriage, social contract, or a stable relationship that is recognized by the Indian tribe or the Indian community.

Operating License: A legal document effective for two years which allows foster care to be provided at the location stated on the license.

Probationary License: A time-limited, nonrenewable license that is issued to a licensee who agrees to establish compliance with rules and regulations, that when violated, do not present an unreasonable risk to the health, safety, or well-being of the foster children in care.

Provisional License: A time-limited, nonrenewable license issued to an applicant who is unable to comply with all licensure requirements and standards and is capable of compliance within the time period stated on the license.

6-004.03 License Required: A license is required when persons are providing the care, supervision, custody, or control over children, age 15 or younger, from more than one family, for compensation or hire. This care must be in lieu of the care or supervision normally exercised by parents in their own home.

To provide child care for children in a foster home, the provider shall obtain a separate child care center license or Family Child Care Home license.

Each applicant/licensee shall comply with all applicable federal, state and local subdivision laws, ordinances, and regulations.

The maximum number of children in Native American Foster Homes shall be based on tribal traditions and customs, not number of persons in the home, without compromising the safety of children, adults in care, and others in the household.

6-004.03A Exemptions: The following foster care services are not required by state law to be licensed, but may voluntarily apply for a license:

1. Facilities providing only irregular (occasional) child care;
2. Care that is provided without charge or any form of compensation;
3. Care given to children from one family only;
4. Care provided only to children age 16 or older;
5. Care provided by grandparents to their grandchildren;
6. Care provided within geographic territories not subject to state law, such as military installations; and
7. Health care provided to children in a facility licensed by the Department of Health and Human Services as a Center for the Developmentally Disabled or an Intermediate Care Facility.

6-004.04 Licensing Process

6-004.04A Initial Application:

1. Each applicant shall complete an application which includes full name of applicant; street and mailing address of home to be licensed; home and work phone of applicant; ages of children to be placed in the foster home; and names, birth dates, and relationship of all household members. The application shall be signed by the applicant.
2. Each applicant shall provide the names of three adults that can provide a reference for the Native American foster family.
3. When an application has been received, the applicant's name(s) must be checked with the State Central Register of alleged abuse/neglect and Adult Protective Services Register before a final decision regarding issuance is made.
4. The licensing agent shall initiate action on an application within ten days of receipt.
5. When a home visit is to be scheduled, the Native American applicant may request to have a liaison person present.
6. The applicant/licensee shall allow the Department to visit and inspect the facility at any reasonable time to check for compliance with requirements or investigate a complaint with the permission of the occupant. The foster parent may refuse to allow entrance at the risk of losing his/her license, regardless of the licensing status.
7. Applications are valid for one year.

8. The applicant(s) must be recommended for a license by a placing agency.
9. All household members of the age of majority (19) who can provide care shall present a health information report which contains name; birth date; residence address and telephone; employer and work address; list of medications currently taken; description of general physical and mental health; and any history of drug addiction, alcoholism, or mental illness. The report shall also contain a medical practitioner's report of the individual's blood pressure; urinalysis results; hypertension treatment status; communicable disease status; and whether health conditions will affect the individual's ability to care for children. The report shall be signed by the individual and the medical practitioner. The report shall be updated every two years.

If the individual indicates that s/he is currently taking prescribed medications, the applicant, if requested, will provide a written physician's statement regarding the medication's effect on her/his ability to care for children. If the Health Information Report or the licensing agent's observation indicates that an applicant has a potential health problem which may interfere with care, the agent shall request an examination by a physician regarding the problem.

Additional information regarding the physical and/or psychological condition of the Native American foster parent(s) is warranted only when such conditions may adversely affect the care, nurturance and training of the children.

6-004.04B License Renewal:

1. Each applicant shall complete an application which includes the same information itemized in 6-004.04A(1).
2. The licensing agent shall evaluate requests for license renewal through on-site visit.
3. On-site visits shall be done at least 30 calendar days before the license expires. The Native American foster family may request to have a liaison person present.
4. Licenses shall be subject to renewal under the same terms and conditions as the original license except that if a licensee submits a completed renewal application 30 days or more before the licensee's expiration date, the license shall remain in effect until the Department either renews the license or denies the renewal application.
5. If the agent has received notice that the licensee does not intend to renew the license, s/he shall close the case upon expiration of the license without further action.

6-004.04C Amending a License: Following the issuance of a license, if a facility makes changes in the number of children for whom it is licensed, the license will be amended if the same requirements are applicable. If different requirements are to be applied, a new license application is needed and the regular evaluation process conducted.

6-004.05 Negative Licensing Actions: The decision to deny, revoke, or suspend a license will be effective 15 days following provision of the notice. The applicant/licensee may appeal the licensing decision within 30 days after the date of the notice by submitting a written request. If the licensee requests an appeal of a revocation or suspension within the 15 days, the license will remain in effect until a hearing is held and a decision is made on the appeal.

6-004.05A Probationary License: The Department may issue a time-limited, nonrenewable probationary license to a licensee who agrees to establish compliance with rules and regulations that, when violated, do not present an unreasonable risk to the health, safety, or well-being of the foster children in the care of the applicant.

6-004.05B Complaints of Suspected Child Abuse or Neglect: Upon receipt of a complaint alleging child abuse/neglect, the licensing agent shall inform the complainant they must report the situation to the proper law enforcement agency or child protective services. Following the investigation, the agent shall obtain the necessary law enforcement and/or child protective services report for potential action regarding the person's license.

A conviction for, admission of, or substantial evidence of crimes involving intentional bodily harm, crimes against children or crimes involving moral turpitude on the part of the foster parents or any other member of the household which has current bearing on the applicant's provision of foster care is basis for denial or revocation of a license.

6-004.06 Requirements of Native American Foster Families: Principal consideration will be given to the foster family's capacity to provide nurturance, understanding, and Native American culture to children, and a stable environment, supervision, and protection of children. The foster family must understand the needs of children and age, developmental, and culturally appropriate expectations of children.

In addition, Native American foster parents shall:

1. Be at least 19 years of age;
2. Obtain 21 clock hours of Department-approved pre-service training before initial licensure;
3. Obtain 12 clock hours of Department-approved in-service training annually within the effective dates of his/her license;
4. Cooperate with the placing and licensing agency;
5. Provide instruction to foster children regarding routine health and hygiene practices such as bathing, and proper sleep and eating habits;
6. Provide for emergency medical treatment;

7. Ensure that when foster children are transported by vehicle, they are transported by someone who has a valid driver's license, and that safety restraints are available and used for each child transported, in compliance with Neb. Rev. Stat. Sections 60-6,267, 60-6,268, and 71-1907. Restraints are not required for children transported by public transportation or school bus.
8. Never use the following as discipline:
 - a. Physical punishment or abuse including but not limited to, hitting with the hand or object, shaking, pushing or pulling, or rough handling;
 - b. Denial of necessities;
 - c. Chemical or mechanical restraints;
 - d. Derogatory remarks, abusive or profane language, yelling or screaming, or threats of physical punishment; and
9. Never punish a child for lapses in toilet training.

6-004.07 Foster Home Requirements: The foster home shall have:

1. Adequate light for reading;
2. Adequate toilet facilities;
3. Adequate bathing facilities;
4. Safe heat sources in each room used by children;
5. Refrigeration for perishables;
6. Adequate sleeping arrangements;
7. Working smoke detector(s);
8. All weapons and ammunition stored in a locked cabinet or area; and
9. Grounds around the foster home that are safe and free of hazards considering the age and development of children in care.

6-005 Licensing Group Homes and Child Caring and Child Placing Agencies

6-005.01 Scope and Authority: The Nebraska Department of Health and Human Services is responsible for licensing foster homes, group homes, child caring agencies, and child placing agencies, as authorized in Neb. Rev. Stat. Sections 43-296, 43-701 to 43-707, and 71-1901 to 71-1907. This section contains material governing the licensing of group homes, child caring agencies, and child placing agencies. Additional licensing requirements for group homes are in 474 NAC 6-006, for child caring agencies in 474 NAC 6-008, and for child placing agencies in 474 NAC 6-009. See 474 NAC 6-003 for foster home licensing.

6-005.02 Definitions

Child means an unemancipated minor. Nebraska's age of majority is 19.

Child Caring Agency means an agency incorporated to provide care for children in buildings maintained by the organization for that purpose.

Child Placing Agency means an organization authorized by its articles of incorporation to place children in foster family or adoptive homes.

Child Welfare Programming Experience means employment, internships, or volunteer work providing social services in a professional setting to emotionally, socially, or behaviorally impaired children and/or their families.

Cradle Care Giver means a person who provides a temporary living and care arrangement for a child placed in the home while a parent decides on relinquishment or while the child waits to be united with an adoptive family.

Department means the Department of Health and Human Services.

Group Home means a home operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home and which is designed to provide 24-hour care for 12 or fewer foster children in a residential setting.

Licensing Agent means a Department staff person who directly handles a licensing case.

Operating License means a legal document effective for two years which allows care to be provided for children to be placed in foster care or for adoption.

Provisional License means a time-limited, non-renewable license issued to an applicant who is unable to comply with all licensure requirements and standards, and is capable of compliance within the time period stated on the license.

Probationary License means a time-limited, nonrenewable license that is issued to a licensee who agrees to establish compliance with rules and regulations that, when violated, do not present an unreasonable risk to the health, safety, or well-being of the foster children in care.

Wilderness Challenge Program means a time-limited, highly structured outdoors program and intensive residential program designed to challenge adjudicated youth through experiential learning. This program will have a primary site of constructed buildings. This primary site will be designated on the license. Expedition sites are those sites where children are taken from the primary site and an overnight sleeping event occurs.

6-005.03 License Required: Persons, other than a parent, who place, assist in placing, advertise a child for placement, or give the care and custody of any child to any person or association for adoption or otherwise, except for temporary or casual care, must obtain a license to place children. See also 474 NAC 6-003.01A.

6-005.04 Inquiries: (See 474 NAC 6-003.04).

6-005.05 Application: The applicant shall sign a licensing application form (attached and incorporated by reference into these regulations) for initial application, renewal, and when required for changes. Applications not properly signed will be returned. All new applications must be accompanied by three positive written references from three separate Nebraska social service agencies providing services to abused, neglected, or dependent children, status offenders, or delinquents.

The licensing agent shall initiate action on an application within ten days of receipt. The licensing agent may recommend denial of any application pending beyond three months due to inaction on the part of the applicant.

Authority to visit: See 474 NAC 6-003.06.

6-005.06 Fee

6-005.06A License Fee: Applicants shall submit the following licensing fees to the Licensing Agent:

1. Group Home - \$50.00
2. Child Caring Agency - \$50.00
3. Child Placing Agency - \$50.00

The following licensing fees will be charged for all Provisional and Probationary Licenses:

1. Group Home - \$25.00
2. Child Caring Agency - \$25.00
3. Child Placing Agency - \$25.00

If an applicant withdraws an application, or an application is denied, the fee will not be returned.

6-005.06B Fee Collection: When a fee is received, the licensing agent shall issue a receipt. The fee is sent to HHS Finance and Support Central Office, attached to a memorandum indicating the name and address of the applicant and the type of license.

6-005.07 Health Information Report: See 474 NAC 6-003.07 only for licensing of group homes and child caring agencies. A report may be filed at the facility or business office rather than being submitted to the licensing agent.

6-005.08 Fire Safety Inspection: If four or more individuals other than usual family members or agency staff reside in the group home or child caring agency, a fire safety inspection is required. See 474 NAC 6-003.08.

6-005.09 Sanitation Inspection: See 474 NAC 6-003.09 only for licensing of group homes and child caring agencies. The agent shall request an inspection when seven or more foster care children reside in a group home or child caring agency.

6-005.10 Recreation Camp Inspections: The agent shall request annual written documentation from the Nebraska Department of Health and Human Services Regulation and Licensure of certification as a Recreational Camp from all Child Caring Agency Wilderness Challenge Programs.

6-005.11 Challenge Course Inspections: The agent shall submit an "Inspection Referral for Centers, Agencies, Group Homes" to the Department of Labor, Safety Division to request an inspection for all Child Caring Agency Wilderness Challenge Programs experiential challenge activity courses.

6-005.12 Compliance Evaluation: The licensing agent shall evaluate each applicant to determine compliance with minimum requirements for licensing. See 474 NAC 6-005.10.

6-005.12A Initial License: The licensing agent shall evaluate all initial applications through an onsite visit and document information on the appropriate checklist.

6-005.12B Renewal: The licensing agent shall evaluate requests for license renewal through an onsite visit. This should be done at least 30 calendar days before the license expires. Licenses shall be subject to renewal under the same terms and conditions as the original license, except that if a licensee submits a completed renewal application thirty days or more before the license's expiration

date, the license shall remain in effect until the Department either renews the license or denies the renewal application.

6-005.12C Evaluation Review: When completed, the applicant/licensee shall review the evaluation before the license is issue or renewed.

6-005.13 Recommendation for Licensure: See 474 NAC 6-003.11.

6-005.14 Alternative Compliance: See 474 NAC 6-003.12.

6-005.15 Non-Compliance with Requirements: See 474 NAC 6-003.13.

6-005.16 Background Checks: Child caring agencies must conduct background checks on staff and volunteers, as specified in 474 NAC 6-008.02(5). Child placing agencies must conduct background checks on each applicant/licensee foster family household member, as specified in 474 NAC 6-003.25B. Child placing agencies must conduct background checks on each adoptive family household member, as specified in 474 NAC 6-009.06B1(c).__

6-005.17 Amending a License: See 474 NAC 6-003.15.

6-005.18 Public Access to Licensing Files: Department staff shall release information regarding a licensee's name, address, telephone number, type of license, number of children, hours and days of care, name of licensing agent, license number, and license effective dates upon verbal or written request. Names of enrolled children and their parents and names of complainants must remain confidential.

The Central Office shall not release information shown in A and B below until an investigation/evaluation is complete, and until 10 working days after the licensee has received the final report(s). The request must specify the type of reports and the time period for which the reports are being requested. The person making the request shall reimburse the department for photocopying costs if copies are requested. The reimbursement must be received by the Central Office before the requested information is mailed. If the individual making the request wishes only to review the reports, she/he shall do so in the presence of Department staff.

The Central Office shall make available to the licensee the name and address of the person requesting the information, upon request. Local units or field offices shall not permit public access to licensing reports unless granted approval from Central office.

6-005.18A Access to Group Home and Child Caring Agency Files: The licensing agent shall release the following information about these facilities upon written request:

1. License application;
2. Fire safety inspection reports;
3. Evaluation and recommendation (narrative and checklist);
4. Review Findings; and
5. Alternative Compliance.

6-005.18B Access to Child Placing Agency Files: The licensing agent shall release the following information about child placing agencies upon written request:

1. License Application;

2. Evaluation and recommendation (narrative and checklist);
3. Review Findings; and
4. Alternative Compliance.

6-005.19 Declaratory Ruling Request: See 474 NAC 6-003.18.

6-005.20 Denial, Revocation, or Suspension of a License: See 474 NAC 6-003.19.

6-005.21 Licensing Decision Appeals: See 474 NAC 6-003.20.

6-005.22 Complaints

6-005.22A Complaints on Suspected Child Abuse or Neglect: Upon receipt of a complaint alleging child abuse/neglect, the licensing agent shall –

1. Inform the complainant of his/her responsibility to report the situation to the proper law enforcement agency or Child Protective Services; and
2. Immediately report the alleged abuse/neglect to the proper law enforcement agency or Child Protective Services.

Following the Child Protective Services investigation, the agent shall obtain a report and review it for potential action regarding the person's license.

6-005.22B Processing Complaints: For complaints regarding violations of licensing standards that are not related to abuse/neglect, the licensing agent shall –

1. Document the complaint;
2. Keep names of complainants confidential;
3. In cases involving a child caring agency, determine in consultation with his/her supervisor when a safety plan is developed, and request related incident reports from the agency;
4. Coordinate contact and consultation, as appropriate, with contracting and resource development regarding placement and safety plans;
5. Initiate an investigation, which may include –
 - a. Interviewing the person about whom the complaint was given;
 - b. Interviewing all persons aware of the circumstances included in the complaint;
 - c. Review physical setting indicated in the complaint;
 - d. Determine who witnessed the occurrence stated in the complaint; and
 - e. Review all reports from other agencies (i.e., law enforcement reports, Child Protective Services);
6. For investigations involving the use of physical restraints or related prohibited practices in a child caring agency, initiate consultation among resource development, CPS, and contracting staff to review investigation findings;
7. If noncompliance with licensing requirements is found, follow noncompliance procedures;

8. Report results of the investigation in narrative form, including –
 - a. Statements made by person interviewed;
 - b. Facts obtained during interviews;
 - c. The investigator's observations; and
 - d. A list of witnesses' names, addresses, and telephone numbers; and
9. Report results, resolutions, and recommendations of the investigation to placing agency. All findings should be documented in narrative form.

6-005.23 Licensee Renewal Responsibilities: Each applicant for license renewal shall-

1. Complete an application form.
2. Submit a \$50.00 license fee.
3. Have on file a current "Health Information Report" for each group home parent or care staff member.
4. Meet group home or child caring agency requirements for fire safety and sanitation.

6-005.24 Licensing Process Summary: For both initial and renewed licenses, the agent shall complete and compile the following:

1. Application;
2. A copy of the licensing fee receipt;
3. "Health Information Report" for each direct care employee in a group home or child caring agency;
4. Fire safety inspection as required;
5. A sanitation inspection report, as required; and
6. Evaluation and recommendation. This is the documentation of the facility's and the applicant's compliance with regulations for the specific license type. When the applicant complies with all requirements, the agent shall complete the recommendation and indicate the number of children for which the group home or child caring agency is licensed.

6-006 Licensing Standards for Group Homes: Each applicant for a group home license shall meet these licensing standards and the requirements in NAC 474 NAC 6-005 to obtain a license. A license issued before these regulations become effective is valid until the time of license renewal.

Staff responsible for administration, licensing, or resource development shall annually re-evaluate all licensing requirements.

6-006.01 Administration

6-006.01A Purpose Statement: Each group home shall have a written purpose statement which includes -

1. The objectives of the group home;
2. The ages of the individuals to be served;
3. The maximum number of individuals to be served;
4. Personnel policies for group home staff;
5. Intake and discharge policies and procedures; and
6. The group home's discipline policy.

6-006.01B Program: The legal entity that supervises the group home shall provide or ensure the availability of appropriate supportive services such as -

1. Ongoing casework;
2. Medical, dental, and psychological services;
3. Educational services; and
4. Nutritional services.

A written program description must be available to the public.

6-006.01C Records: See 474 NAC 6-003.33E.

6-006.01D Confidentiality: Group home staff shall consider all records confidential and shall safeguard the information from any use which may harm the child.

6-006.02 Admissions: The following guidelines apply to group home admissions:

1. The person or agency placing the child shall sign a written agreement for admission and care.
2. The legal custody of the child being admitted must be documented.
3. If the Interstate Compact on the Placement of Children applies, compact approval must be obtained from the deputy compact administrator before admission.
4. Care may be provided for minors only.

Group home staff shall assess their personal capacities, the facility, and the community to determine what services the home is able to offer to children. Children must be accepted based on this assessment and not on the race, color, national origin, or handicap of the child.

6-006.03 Staff: The group home shall obtain a medical report on each employee, signed by a licensed physician, certifying that s/he is in good mental and physical health. This medical report must be updated every two years.

The agency shall evaluate each employee's job performance at least annually.

The group home shall employ no individual who has been convicted of, admitted to, or if there is substantial evidence of crimes involving intentional bodily harm, crimes against children, or crimes involving moral turpitude if these circumstances have current bearing on the applicant's provision of foster care. Staff shall not engage in or have a history of behavior injurious to or which may endanger the health or morals of the children in care.

6-006.03A Age and Maturity: Group home staff shall have emotional maturity and the capacity to develop constructive relationships with the children under care.

All staff must have attained the age of majority.

6-006.03B Staff Ratio: The agency shall -

1. Employ at least one full-time staff person for an average of six children;
2. Hire at least one part-time relief staff person;
3. Ensure that at least one adult is on duty whenever children are present in a group home; and
4. Ensure that properly qualified staff, as defined by the home's job qualifications, are available at all times.

6-006.03C Training: Each staff member, including volunteers, who provide direct care of children shall obtain -

1. Twenty-one clock hours of Department-approved pre-service training before assuming his or her duties. Staff who are employed before the effective date of this regulation are exempt from this requirement; and
2. At least 12 clock hours of Department-approved in-service training annually within the effective dates of the license.

Each training hour must be approved by the licensing specialist and must be directly related to the skills necessary to care for children in out-of-home care.

6-006.03C1 Activities Counted as Training: Each hour spent participating in any of the following types of child care-related activities counts toward pre-service and yearly in-service requirements:

1. Department-sponsored training;
2. Workshops;
3. In-service training sponsored by professional organizations or educational institutions;
4. Department-approved reading material;
5. College courses;
6. Non-credit course work;
7. Adult education courses; and
8. Videotaped material.

Written documentation must be available for each of the listed types of training.

6-006.04 Facility: The licensee shall ensure that -

1. Two types of care are not offered at the same time in the same facility if there is a conflict with the best interests of the children, the use of staff, or the use of the facility;
2. At least 35 square feet of living space (which includes only living rooms, dining rooms, and recreation rooms) is available per individual;
3. Each child is provided a separate bed and suitable closet and dresser space;
4. A single bedroom contains at least 80 square feet;
5. Shared bedrooms contain at least 60 square feet of floor space per individual;
6. Shared bedrooms in an emergency shelter care group home contain at least 40 square feet per individual;
7. Sleeping rooms are arranged so that no children need to go through another bedroom to reach the bathroom; and
8. Sufficient outdoor recreational space is available to meet the needs of the children.

6-006.05 Services: Program service staff shall develop a comprehensive care plan from intake to discharge based on the needs of the individual under care.

6-006.05A Community Activities: Children must be permitted and encouraged to participate in appropriate neighborhood, school, church, cultural, and community activities. Each child must be permitted to practice and further his/her own religious beliefs.

6-006.05B Discipline: Each group home shall develop written policies regarding discipline.

Staff shall -

1. Use discipline only as a learning process in which certain specified consequences are the result of unacceptable behavior; and
2. Never use the following as discipline:
 - a. Physical punishment or abuse;
 - b. Denial of necessities;
 - c. Chemical or mechanical restraints; or
 - d. Derogatory remarks, abusive or profane language, yelling or screaming, or threats of physical punishment.

6-006.05B1 Seclusion Room: The group home shall not use a seclusion room.

6-006.05C Transportation Safety: Group homes shall ensure that safety restraints are available and used for each child transported, in compliance with Neb. Rev. Stat. Sections 60-6,267, 60-6,268, and 71-1907. Restraints are not required for children transported by public transportation or school bus.

6-006.06 Emergency Shelter Care Intake: Shelter staff shall follow these general admission policies:

1. On admission, shelter staff shall start a case record that identifies the child and his/her immediate needs.
2. The following information must be obtained at admission or as soon as possible after admission:
 - a. The child's identity;
 - b. The name(s) and address(es) of the child's parent(s), guardian, or conservator;
 - c. Any medication the child is taking; and
 - d. The child's allergy to any medication or food.
3. During admission the following information must be obtained when possible:
 - a. The child's immediate needs;
 - b. The name of the referral source (e.g., placing agency or individual);
 - c. The date and time of placement;
 - d. The reason for emergency placement;
 - e. The intake worker's observation of the child's condition;
 - f. The child's understanding of emergency shelter care; and
 - g. The child's feelings about the crisis situation and shelter care.
4. The shelter's policies and procedures must document which staff reviews admission information and makes admissions.

5. When a child is admitted, shelter staff shall try to contact the child's parent(s) or guardian, within 24 hours if they are unaware of the placement. If the parent(s) or guardian cannot be contacted, shelter staff shall inform a public agency (child welfare, juvenile probation, or police department) of the child's presence. Efforts to contact the parent(s) or guardian and contacts with public agencies must be documented in the child's case record.

6-006.07 Sanitation Requirements: All applicants for a group home license shall comply with the sanitation requirements in 474 NAC 6-003.

6-007 (Reserved)

6-008 Licensing Standards for Child Caring Agencies: Each applicant for a child caring agency license shall meet these licensing standards and the requirements in 474 NAC 6-005 to obtain a license. A license issued before these regulations became effective is valid until the time of license renewal.

6-008.01 Administration

6-008.01A Incorporation: Any agency engaging in child-caring activities in Nebraska shall:

1. Incorporate as required by Nebraska state statutes. The purpose for which the agency is incorporated must be stated in its articles of incorporation; and
2. Develop a written statement of its functions, policies, and programs and provide it to the Department's licensing unit for approval.

6-008.01B Governing Board: The Child Caring Agency shall have a governing board (Board of Directors) which conforms to Nebraska laws concerning boards of incorporated bodies. The board shall:

1. Be representative of the agency's constituency;
2. Meet at least once a year and as often as necessary for the agency to function properly. Official minutes of board meetings must be kept permanently;
3. Employ an executive who:
 - a. Assumes responsibility for carrying out policies set by the board on a day to day basis;
 - b. Does not serve as a voting member of the board; and
 - c. Has the authority to hire and discharge employees directly responsible to the executive; and
4. Ensure that all local, state, and federal laws and administrative rules and regulations are followed by the agency.

6-008.01C Finances: The agency shall:

1. Have a sound financial program enabling it to carry out the functions shown in its articles of incorporation;
2. Operate on a budget approved by the governing board before the beginning of each fiscal year; and
3. Have all of its financial accounts reviewed by a certified accountant at least once a year.

6-008.01D Administrative Records and Reports: The agency shall maintain current, accurate records and include the location of each child in care.

The executive shall:

1. Compile and file with the governing board, a monthly report of the agency's activities and current financial situation;
2. Supply information and special reports requested by the Department; and
3. Inform the Department of any plans for major changes in services or facilities.

6-008.02 Personnel: The agency shall:

1. Have a written statement of policies which is approved and reviewed annually by the governing board and made available to all employees;
2. Maintain a file of job descriptions and qualifications for each full-time and each part-time position on the staff, including each volunteer position;
3. Maintain a personnel file for each full-time or part-time employee including an evaluation of staff performance and any information regarding disciplinary action. The file must be kept at the facility the employee is assigned, except when the facility and the administration office are located in the same city;
4. Maintain a file on each volunteer; and
5. Check the background of all employees and volunteers who have access to youth before participation with the agency. The background check shall include contacting the HHS Central Register of Abuse and Neglect, the HHS Adult Protective Services Central Registry, and the State Patrol Central Registry of Sex Offenders.

6-008.02A Staff Qualifications: All staff members shall have good character, emotional stability, and sufficient ability and education to perform their assigned duties. The agency shall employ no individual who has been convicted of, admitted to, or if there is substantial evidence of crimes involving intentional bodily harm, crimes against children, or crimes involving moral turpitude if these circumstances have current bearing on the applicant's provision of care. Center Staff shall not engage in or have a history of behavior injurious to or which may endanger the health or morals of the children in care.

Staff who provide medical, dental, or nursing care shall meet the qualifications of the State Board of Examiners. Teachers shall hold Nebraska certificates. Child Caring Agency workers must have a high school diploma or its equivalent.

All staff working directly with children must pass a medical examination before employment and every two years thereafter.

6-008.02B Staff Ratio: The licensee shall ensure that at least one employed staff member is on duty for every six children in care. The licensee shall ensure that at least one employed staff member is on duty for every twelve children during the overnight hours. Overnight hours are from the time children are in bed until the time children awaken.

The agency shall:

1. Consider only the staff directly responsible for children when determining the ratio of staff members to children under care; and
2. Maintain sufficient staff to ensure that those caring for children do not become over fatigued; and
3. Assure that all children are supervised. The children in care will be assessed and the licensee will ensure an appropriate staff/child ratio.

6-008.02C Training: Each staff member, including volunteers, who provide direct care of children shall obtain -

1. Twenty-four clock hours of Department-approved pre-service training before assuming his or her duties. Staff who are employed before the effective date of this regulation are exempt from this requirement; and
2. At least 15 clock hours of Department-approved in-service training annually within the effective dates of the agency's license.

Volunteers who provide occasional services and/or are supervised at all times are exempt from this requirement.

Each training hour must be approved by the licensing specialist and must be directly related to the skills necessary to care for children in out-of-home placement.

6-008.02D Activities Counted as Training: Each hour spent participating in any of the following types of child care-related activities counts toward pre-service and yearly in-service requirements:

1. Department-sponsored training;
2. Workshops;
3. In-service training sponsored by professional organizations or educational institutions;
4. Department-approved reading materials;
5. College courses;
6. Non-credit course work;
7. Adult education courses;
8. Videotaped material;
9. Audio taped material;
10. Continuing education units (CEU's); and
11. Other Department-approved material.

Written documentation must be available for each of the listed types of training.

6-008.03 Facility: The agency shall ensure that the following requirements are met:

1. Two types of care must not be offered at the same time in the same facility if there is conflict with the best interest of the children, the use of staff, or the use of the facility.
2. Grounds must be clean, neat, hazard free, and planned to meet the recreational needs of the children.
3. In structure and maintenance, all buildings must meet state and local standards for fire protection, health, and sanitation.
4. Rooms must be provided to allow privacy for interviewing a child or parents and for a child to visit relatives or guests.
5. When a school is maintained on the grounds, the school buildings and equipment must meet the requirements of the Nebraska Department of Education.
6. Each cottage or building in which children live must have room for recreation, leisure time use, and study.
7. The kitchen(s) must have sufficient storage space and equipment for the efficient preparation of food; for storage of food and utensils; and for dish washing.

8. Sleeping rooms must:
 - a. Provide a pleasant restful atmosphere conducive to uninterrupted sleep and privacy;
 - b. Contain a separate bed and bedding for each child;
 - c. Contain at least 80 square feet of usable floor space for a private room and 60 square feet per individual if the room is shared by two or more children (shared bedrooms for emergency shelter care must contain at least 40 square feet per individual); and
 - d. Have ceilings at least seven feet six inches high.
9. Adequate living quarters must be provided for live-in staff, including bathing and toilet facilities separate from those used by the children.
10. In new construction, one lavatory, one toilet, and one tub or shower must be provided for every six children. Privacy must be provided.
11. The facility must meet all zoning requirements as verified by the body enforcing zoning codes.

6-008.04 Admissions: The agency shall follow these admissions practices:

1. Develop and have written admissions policies and procedures;
2. Determine and document who holds legal custody of the child at or before admission;
3. Obtain a written agreement for admission and care, signed by both the person placing the child and the staff person admitting the child. The agreement must include the parent's/guardian's permission for the child to be given medical or dental care and emergency-medical procedures;
4. Provide care only for children under the age of majority;
5. Assess staff capacities, the facility, and the community to determine what services it can offer to children. Acceptance of the placement of a child must be based on this assessment and not on the race, color, national origin, or handicap of the child; and
6. If the Interstate Compact applies, require approval for admission before admission.

6-008.05 Case Reviews: The agency shall review each child's care plan:

1. Within 30 days after the placement; and
2. At least quarterly, thereafter.

The review must be documented in the child's record.

6-008.06 Health and Safety Requirements: The agency shall ensure that:

1. Each child receives a complete medical and dental exam within 14 days of initial foster care placement and annually thereafter. If there is no record of a previous exam, one must be completed within 60 days of placement for a secondary foster care placement.
2. Each child has regular physical and dental exams (The recommended schedule is annual physical exams through age six and exams at one to two year intervals thereafter, depending on the child's health status. Annual dental exams are recommended for children three and older, earlier if a dental problem arises.);
3. Complete medical and dental records are maintained for each child and that the location of the child's medical history is noted in the child's program file;
4. It has access to routine medical care and emergency medical care on a 24 hour a day, 7 days a week basis; and
5. All reasonable precautions are taken to avoid accidents to residents and staff. This includes observing all safety rules in regard to swimming, transportation, and equipment.

6-008.06A Transportation Safety: The agency shall ensure that safety restraints are available and used for each child transported, in compliance with Neb. Rev. Stat. Sections 60-6,267, 60-6,268, and 71-1907.

Restraints are not required for children transported by public transportation or school bus.

6-008.06B Fire Safety: Each Child Caring Agency shall meet all fire regulations set by the State Fire Marshal's Office for operating and design of "child caring agency-institution."

6-008.07 Personal Hygiene: Agency staff shall provide instruction to children in care regarding routine health and hygiene practices such as bathing, and proper sleep and eating habits.

6-008.08 Food and Nutrition: The agency shall ensure that:

1. Each child is provided with a daily balanced diet containing all basic foods in amounts necessary for good health; and
2. Diets for children with special health problems are prescribed by a physician and carefully observed.

6-008.09 Clothing: The agency shall ensure that:

1. A record is kept of the clothing and personal articles a child brings to the institution at admission; and updated every time the child acquires new items or an item is lost or damaged. The inventory shall be signed each time a new inventory is developed by the foster parent, child, and guardian, if possible. All items will be returned at the time the placement terminates.
2. Each child has sufficient clothing.

6-008.10 Discipline, Seclusion Rooms, and Physical Restraint: Any private child caring agency to which these regulations apply that fails to comply with any of the below stated regulations, including a failure to provide appropriate training and certification, shall not be eligible for participation in any program supported in whole or in part by funds administered by the Department of Health and Human Services.

6-008.10A Definitions

Assessment means a face-to-face evaluation of the child's current and past (if available) physical, mental, emotional, and behavioral health.

Chemical restraint means a drug or medication used to control acute episodic behavior by significantly lowering the child's level of consciousness or awareness, or restricting the movement of the child. A drug or medication ordered by a physician as part of the individual treatment plan for treating the symptoms of mental, emotional, behavioral or psychiatric disorders is not a chemical restraint.

Crisis intervention model means a model that identifies specialized interventions to guide, redirect, modify, or manage behavior of children and youth. The intervention model includes an entire spectrum of activities from preventive and planned use of routines and environment, to less restrictive interventions such as positive reinforcement, verbal interventions and de-escalation techniques, to more restrictive interventions such as seclusion, physical escorts, and physical restraint.

Deceleration techniques means physical strategies or actions taken to decrease a volatile situation to prevent harming of self or others, as well as to prevent displays of inappropriate or maladaptive behavior.

De-escalation means verbal skills used to defuse a volatile situation by "talking down" the child and therefore assisting the child to regain behavioral control, and avoid physical intervention.

Discipline means to establish self-control through training or instruction.

Emergency means a situation that poses an imminent threat of serious physical injury to self or others as a result of the immediate behaviors of the child.

Incident debriefing means a structured interview with the child and staff to assess the circumstances that led to the incident for purposes of gaining understanding closure. The incident debriefing with the child and staff shall occur within 24 hours of the restrictive procedure.

Informed consent means the requirement that any decision to authorize an intervention is based on the understanding of the risks and benefits of intervention, and those possible alternatives are described to the decision-maker. (See 390 NAC 11-002.04E.)

Mechanical restraint means the use of devices as a means of restricting a child's freedom of movement. It does not include devices such as orthopedically prescribed devices.

Monitoring means to repeatedly check the condition of the child while in seclusion or restraint.

Multi-disciplinary team means a group of qualified individuals who share their knowledge and expertise to assist and support the child receiving services and to be involved in all phases of the child's care and in the child's discharge planning. The child receiving services and the child's legal guardians are members of the team.

Pain compliance technique means any intervention that intentionally causes pain to gain control of a child, such as the use of tasers, pressure point control, and chemical sprays.

Physical escort means a temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing an acting-out child to walk to a safe location.

Physical intervention means any physical technique used to stop a person's behavior that is deemed harmful to self or others.

Physical restraint means any mechanical device or manual technique that restricts the movement or function of the child's body or any portion thereof, such as a standing restraint.

Restraint means any physical intervention used to restrict or control the movement of a child receiving services. Devices used to provide support for the achievement of functional body position or proper balance, and devices used for specific medical and surgical treatment, are excluded.

Seclusion means a behavior control technique that places the child in any room against his or her will, where the child cannot voluntarily leave the room and isolating him/her from any personal contact.

Treatment Team – See Multi-Disciplinary Team

6.008.10B Discipline: Each agency shall develop written policies regarding discipline. Policies shall require that the behavioral conditions for removal of disciplinary restrictions be specified each time that restraint or seclusion is imposed and provide that the child is notified, in terms they understand, of the criteria to be met before restraint or seclusion can end.

Agency staff shall:

1. Use discipline only as a learning process in which certain specified consequences are the result of unacceptable behavior; and
2. Never use the following as discipline:
 - a. Physical punishment or abuse;
 - b. Denial of necessities;
 - c. Chemical or mechanical restraints; or
 - d. Derogatory remarks, abusive or profane language, yelling or screaming, coercion, or threats of physical punishment.

6-008.10C Seclusion Rooms: If a seclusion room is used, the agency shall develop written policies and procedures for its use. Seclusion shall only be imposed in emergency circumstances to ensure the immediate physical safety of the child, staff member or others and after less restrictive deceleration and de-escalation interventions have been determined to be ineffective. If the less restrictive interventions are ineffective in preventing seclusion, the child's treatment team shall be convened within 24-hours of the imposition of seclusion to develop alternative effective deceleration and de-escalation techniques. Any agency using seclusion rooms must obtain written authorization from the child's guardian giving informed consent related to its potential use. This authorization shall occur upon intake or within 72 hours thereafter.

An incident report containing the following information must be completed within 24 hours from the time the seclusion began and made available to all multi-disciplinary team members and Department staff. The incident report shall include the following information:

1. The name of the child placed in seclusion;
2. Description of less restrictive intervention techniques used and why they were ineffective;
3. The reason for the seclusion;
4. The date and times the seclusion began and ended;
5. The staff who assigned the child to seclusion;
6. The assessments and monitoring provided while the child was in seclusion and immediately after the child was removed from seclusion;
7. A statement of the behavioral conditions that the child was required to meet in order to be removed from seclusion;
8. A summary of the debriefing that was conducted;
9. The frequency and types of restraints or seclusion used, over time, for the individual;

10. Any medical care needed by the child and/or staff as a result of the use of restriction or seclusion;
11. Documentation of Internal Review; and
12. Any other actual or planned follow-up actions.

Prohibited seclusion practices include:

1. Use as a form of punishment or discipline;
2. Use by peers;
3. Use by untrained staff ;
4. Use for the convenience of staff; and
5. Use as a substitute for care and/or treatment.

The agency shall notify the appropriate state professional licensure authority whenever any staff member engages in prohibited seclusion practices.

6.008.10D Physical Restraint: Any agency using physical restraint, shall use a Department-approved crisis intervention model and comply with all applicable state and federal laws and regulations. The agency shall develop written policies and procedures for its use. Any agency using physical restraint must obtain written authorization from the child's guardian giving informed consent related to its potential use. This authorization shall occur upon intake or within 72 hours thereafter.

Physical restraint shall only be imposed in emergency circumstances and only to ensure the immediate physical safety of the child, staff member or others. Any person doing a physical restraint must have completed formal training on the crisis intervention model. Any restraint must be limited to the least amount of time necessary to address the situation and restore safety. Physical restraint shall be used after less restrictive deceleration and de-escalation interventions have been determined ineffective by agency staff trained in the agency's crisis intervention model. If the less restrictive interventions are ineffective, the child's treatment team shall be convened within 24 hours of the imposition of physical restraint to develop effective alternative deceleration and de-escalation techniques. Less restrictive deceleration interventions may include:

1. Observing for antecedent behaviors;
2. Redirection;
3. Maintenance of personal space;
4. Modulation of voice; and
5. Increasing the presence of support staff.

Prohibited physical restraint practices include:

1. Pain compliance techniques;
2. Use as a form of punishment or discipline;
3. Use by peers;
4. Use by untrained staff;
5. Use for the convenience of staff;

6. Chemical and mechanical restraints;
7. Hyperextension of any part of the body (pushing or pulling of any part of the body beyond normal limits);
8. Joint or skin torsion;
9. Pressure or intensity of pressure on any part of the body not authorized by the physical restraint model.
10. Any type of choke hold; and
11. Any maneuver that involves choking, punching, hitting, poking, pinching, scratching or shoving.

The agency shall notify the appropriate state professional licensure authority whenever any licensed staff member engages in prohibited physical restraint practices.

An incident report must be completed within 24 hours from the time the physical restraint begins and is maintained and made available to all multi-disciplinary team members and Department staff. The incident report must contain:

1. The name of the child being physically restrained;
2. A description of the incident, alternative interventions and reason(s) the restraint was required including a description of less restrictive interventions and why they were ineffective;
3. The date and times the restraint began and ended;
4. Type of restraint used;
5. Staff member(s) involved in the restraint;
6. The assessments and monitoring provided while the child was being physically restrained and immediately after the restraint was removed;
7. Preventive actions, incident debriefing and any follow-up;
8. Any injuries sustained by the child and/or staff member;
9. A statement of the behavioral conditions that the child was required to meet in order to be released from physical restraint;
10. A summary of debriefing that was conducted;
11. The frequency and types of restraints or seclusion over time for the individual;
12. Any medical care needed by the child and/or staff as a result of the use of restriction or seclusion;
13. Documentation of internal review; and
14. Any other actual or planned follow-up actions.

6-008.10E Training: All training must be comprehensive and competency based meeting all requirements of the crisis intervention model being implemented by the agency. Comprehensive based training in the use of physical restraint shall involve repeated and on-going skill development, conditioning learned responses, rehearsals and practices. Only certified trainers shall provide physical restraint training.

6-008.10E1 Crisis intervention trainers must have current trainer certification from the organization that developed the crisis intervention model selected by the agency. Staff shall regularly receive training and refresher courses in

alternative non-intrusive behavior modification techniques. If a facility or program allows the use of restraint or seclusion, staff shall also receive ongoing education and training in the safe and appropriate use of restraints or seclusion. A record of training shall be kept which includes the name of the person trained, date(s), source, content, and length of each course.

6-008.10E2 Any crisis intervention model chosen by the agency should have a strong emphasis on children and youth. The crisis intervention models with physical restraint components selected by the agency must include the following minimum components:

1. Skills to identify warning signs of crisis;
2. Verbal de-escalation skills;
3. Physical restraint skills that are non-pain compliant and ensure safety to all youth and staff;
4. Skills directed to the debriefing of staff and youth;
5. Incident documentation; and
6. Monitoring physical signs of distress.

Components of various models may not be combined for use as an agency's identified single model except required competency in first aid and CPR.

The agency shall maintain written documentation of certification and re-certification training for each staff person. The agency shall make documentation available to the multi-disciplinary team members and Department staff.

6-008.10F Internal Review: Any agency using seclusion and/or physical restraint shall have a performance improvement program designed to continuously investigate, analyze, monitor, assess, and track the agency's use of seclusion and restraint practices and to specifically address injuries or death related to the use of seclusion and restraints. The process shall include, at a minimum, the review of:

1. Training proficiency;
2. Environmental triggers;
3. Systems issues;
4. Each use of restraint or seclusion;
5. Notification of family and need for medical care;
6. Administrative and/or program policy and procedure;
7. Incident debriefing and follow up; and
8. Aggregate data.

6-008.11 Opportunity for Instruction: The agency shall encourage the use of the following opportunities that it must provide to the children in care:

1. Academic and vocational education. Each child must be provided with opportunities for education in accordance with Nebraska statutes and his/her abilities. If the school is maintained by the institution, it must meet approval standards set by the Nebraska Department of Education. In the case of exceptional or handicapped children, the institution shall make appropriate use of all available facilities.

2. Use of library. Library facilities, either in the institution or in the community, must be accessible to the children.
3. Money management training (i.e., budgeting and making wise purchases), according to each child's ability.
4. Religious instruction, according to each child's own faith or that of his/her parents.
5. Recreation. The agency shall provide sufficient time, space, and equipment for indoor and out door recreation.
6. Community contacts. Each child must have the opportunity to participate in community activities appropriate to his/her age, cultural heritage, and interests.

6-008.12 Service Plan Goals: Agency staff shall discuss service plan goals, responsibilities, and privileges with the child's relatives or guardian and the child. If services are provided to parents, the agency shall set policies to preserve the parent-child relationship and to maintain the parental role as fully as possible.

6-008.13 Termination: The agency shall develop written termination policies and procedures, regarding the child in care, including:

1. Reason for termination;
2. The staff positions responsible for deciding to terminate a placement; and
3. The process used in terminating a placement.

A child's record must include a written description of termination, reason for termination, post-termination placement, and legal status. The agency shall inform the agency that originally placed the child of the placement termination.

6-008.14 Records: The agency shall maintain and update the following information on each child in a complete file at the location where the child resides:

1. Full name of the child;
2. Name, address, and phone number of the child's physician;
3. Name, address, and phone number of the person or agency holding custody of the child;
4. Past (if available) and current immunizations;
5. Significant health problems (if available);
6. Emergency medical treatment;
7. List of persons with whom the child may have telephone or personal contact or overnight or extended visits; and
8. A comprehensive record of his/her development while in the facility.

The agency shall consider all records confidential and shall safeguard the information from use which may harm the child. Records may be summarized of children no longer under care provided that identifying information is not released.

6-008.15 Emergency Shelter Care: Shelter staff shall follow these general admissions guidelines:

1. On admission, shelter staff shall start a case record that identifies the child and his/her immediate needs.
2. The following information must be obtained at admission or as soon as possible after admission:
 - a. The child's identity;
 - b. The name(s) and address(es) of the child's parent(s), guardian, or conservator;
 - c. Any medication the child is taking; and
 - d. The child's allergy to any medication, food, or other allergens.
3. During admission the following information must be obtained when possible:
 - a. The child's immediate needs;
 - b. The name of the referral source (e.g., placing agency or individual);
 - c. The date and time of placement;
 - d. The reason for the emergency placement;
 - e. The intake worker's observation of the child's condition;
 - f. The child's understanding of emergency shelter care; and
 - g. The child's feelings about the crisis situation and shelter care.
4. The shelter's policies and procedures must document which staff reviews admission information and makes admissions.
5. When a child is admitted, shelter staff shall try to contact the child's parent(s) or guardian within 24 hours if they are unaware of the placement. If the parent(s) or guardian cannot be contacted, shelter staff shall inform a public agency (child welfare, juvenile probation, or police department) of the child's presence. Efforts to contact the parent(s) or guardian and contacts with public agencies must be documented in the child's case record. Placements made by a public agency are excluded from this requirement.
6. The emergency shelter shall provide orientation for new children.

6-008.16 Wilderness Challenge Programs

6-008.16A Administration:

1. Records of admission of youth shall be on file at the primary site at all times.
2. The program shall have written procedures for handling any suspected incident of child abuse. These procedures will include a policy on the immediate reporting of incidents to law enforcement or the Department.

6-008.16B Program Requirements:

1. There shall be a written plan for expeditions, which shall not expose the child to unreasonable risks. The plan must be approved by an advisory committee prior to the expedition,
2. The program will be licensed as a Child Caring Agency and as a Recreational Camp.
3. Each child shall have clothing and equipment to protect the youth from the environment. This clothing and equipment shall never be removed, denied, or made unavailable to a child. There shall never be a deprivation of any clothing or equipment.
4. Each child shall have adequate potable water and food for all activities. Food and water shall never be removed, denied, or made unavailable to a child. There shall never be a deprivation of any food or water.
5. Each program will submit policies and procedures regarding the handling of privileged and non-privileged mail.
6. Each program will submit policies and procedures for the control of contraband in regards to mail, visitation, and personal affects.
7. All experiential challenge courses will be supervised by a staff person who is certified in the use and safety of course equipment. The courses included, but not limited to this regulation are:
 - a. Ropes courses
 - b. Rock climbing courses, both natural and man made
 - c. All boating type activitiesAny activity that will use a weapon, such as fire arms or arrows, are not permitted
8. The program will have policies and procedures regarding pre-employment drug and alcohol screenings and random screenings during employment of employees.

6-008.16C Staff Requirements:

1. Management and Supervisory staff shall have:
 - a. A BS or BA degree and equivalent training and experience in a related fields.
 - b. Be trained and certified annually, by a certified trainer, in CPR and First Aid.
2. Field Staff
 - a. Be a minimum of 21 years of age.
 - b. Be trained and certified annually, by a certified trainer, in CPR and First Aid.
3. Volunteers and Interns
 - a. Volunteers and Interns shall be under direct, constant supervision of field staff.
 - b. Volunteers shall not be left in the role of supervising child at any time.
 - c. Volunteers and Interns must have a completed Health Information Report before working directly with children and renewed every two years.
4. Staff who supervise experiential challenge courses must be certified in the use and safety of courses.
5. Staff will submit, with cause, to alcohol and drug screenings.

6-008.16D Staff Child Ratio:

1. The applicant/licensee shall employ at least one full-time staff member for every three youth in care.
2. In a mixed gender group, there shall be at least one female and one male staff person. In single gender groups, there must be at least one staff person of the same sex.
3. Volunteers and Interns can not be counted as staff when determining ratio.

6-008.16E Admission Requirements:

1. Children shall be at least 12 years of age to be admitted into the program and no older than 19 years of age prior to the completion of the program.
2. Admission screening must include:
 - a. A current health history, which includes notation of limitations and prescriptive medications, completed and submitted within 30 days prior to entrance into the program and verified by a parent or legal guardian.

- b. A review of the child's social and psychological history with parent or guardian.
- c. A review of the child's health history and physical examination 30 days prior to entrance into the program.
- d. A physical examination conducted by a licensed medical professional. This medical professional will have a written detailed description of the physical demands and environment of the program. The physical exam must include the following:
 - (1) Urinalysis drug screen;
 - (2) CBC, blood count;
 - (3) Urinalysis for possible infections;
 - (4) SMA-6, Electrolyte screen;
 - (5) Pregnancy test for all female youth;
 - (6) Physical assessment based on age, weight , and sex with regards to the potential demands of the program and environment.
- e. Prior to placement in the program, psychological evaluations will be completed and reviewed. A psychological examination shall have been conducted within the last year.
- f. Academic evaluation shall be completed on children enrolled in programs that provide academic credits.

6-008.16F Health and Safety Requirements:

- 1. All water from natural sources that will be used for consumption shall be treated for sanitation to eliminate health hazards;
- 2. The program shall have policies and procedures designed to prevent or eliminate infectious and communicable diseases in the field;
- 3. First Aid treatment shall be provided consistent with the certified first aid training received by all employees;
- 4. All First Aid kits must meet the standard of the American Red Cross;
- 5. Reliable two-way communication with a back up system must be available at all times. Expeditions must make contact with the primary site every 24 hours during an off primary site expedition.

6-008.16G Primary Site Requirements:

- 1. Each program must maintain a primary site.
- 2. Maintain a current file on each child.
- 3. Maintain a current list of names of staff and child in each field expedition.
- 4. Maintain a communications log containing:
 - a. Documentation of all communications between the expedition site and the primary site.
 - b. Documentation of all incidents.
 - c. Documentation of any injury.

6-008.16H Emergencies:

1. Each program shall have a written plan of action for disaster, casualties, and medical emergencies.

6-008.16I Food and Water Requirements:

1. Each child will receive a minimum of 3000 calories per day. This calorie requirement shall adjust to provide 30 to 100 percent increase when climate or exercise demands dictate.
2. Each child shall have 6 to 8 quarts per day of potable drinking water. These amounts shall increase when climate or exercise demands dictate.

6-008.17 Sanitation Regulations

6-008.17A Construction: The agency shall ensure that:

1. The walls, floors, and ceilings of all rooms are easily cleaned, washed, or painted, and are kept clean in good repair;
2. The construction and maintenance of all buildings prevents the entrance and harborage of any insects or rodents; and
3. The premises of all institutions are kept neat and clean and free from barnyard animals and poultry.

6-008.17B Heating: The agency shall ensure that heating is maintained at least 65 degrees Fahrenheit during cold weather. Night-time temperatures must not be less than 60 degrees Fahrenheit.

6-008.17C Toilet Facilities: Every institution shall provide conveniently located toilet facilities at a ratio of one toilet to six children. In institutions hereafter constructed, toilet rooms must not open directly into a room in which food, drink, or utensils are handled or stored. Toilet rooms must be kept clean, in good repair, well lighted, and well ventilated, toilets must be fully enclosed. Toilet facilities must be on the same floor as the children's sleeping rooms.

6-008.17D Lavatory Facilities: The institution shall provide hand-washing facilities at a ratio of not less than one lavatory to each toilet. Hot and cold running water, soap, individual towels, and wash cloths must be provided.

6-008.17E Water: The licensee shall ensure that:

1. The water supply is obtained from a source which is properly located, constructed, and operated to protect it from contamination and pollution;
2. Water meets the current standards of the Nebraska Department of Health and Human Services Regulation and Licensure as to bacteriological, chemical, and physical tests for purity;
3. Water is tested annually for bacteria;
4. Water is tested annually for nitrates if from a private well and there are children in care age one or younger;
5. The water heater has a pressure release valve;
6. Adequate water heating facilities are provided so that a sufficient amount of hot water for general cleaning and washing and sanitizing utensils is available at proper temperature; and
7. Drinking water is provided by sanitary drinking fountains or individual cups; the use of common drinking containers is prohibited.

6-008.17F Plumbing: The institution shall not install nor permit to exist any plumbing fixture or other device which provides a connection between a drinking water supply and a drainage, soil, waste, or sewer pipe so as to make possible the back flow or sewage or waste into the water supply system. Water that has been used for cooking or for any other purposes must not be returned to the system. All pipes and fixtures must be kept clean and in good repair. All plumbing must comply with local and or state plumbing ordinances and codes. Where no plumbing code is in effect, plumbing must conform to the National Plumbing Code USA A 40.8-1955.

6-008.17G Ventilation: The agency shall ensure that:

1. Dormitory and play areas have window area equal to not less than one-tenth of the floor area, which can be opened for ventilation; and
2. Kitchen, bathrooms, and services rooms are so located and ventilated, by window or mechanical means through a vent leading directly to the outside, that offensive odors will be prevented from entering children's rooms and hallways.

6-008.17H Sewage Disposal: Sewage must be discharged into a municipal sewage system where such a system is available; otherwise, the sewage disposal must comply with regulations set by the Nebraska Department of Health and Human Services Regulation and Licensure.

6-008.17I Garbage and Refuse Storage and Disposal: All garbage and refuse must be collected, stored, and disposed of in a manner that will not create a nuisance, or provide a breeding place for flies or harborage for rats. All containers for garbage and refuse must be water-tight, have tight fitting covers, and be fly and rodent proof. Garbage containers must be kept clean.

6-008.17J Lighting: The institution shall ensure that:

1. Each sleeping room is an outside room with a satisfactory amount of natural light.
2. The window area for new applications equals not less than one-tenth of the floor area.
3. Every room, including storerooms, hallways, stairways, inclines, ramps, and entrances are adequately lighted;
4. Lighting fixtures are selected and located with a view to the comfort and safety of residents and personnel; and
5. All service rooms, working centers, and medicine cabinets, are adequately lighted.

6-008.17K Food Services: All aspects of food service sanitation must comply with Part IV of the Food Service Sanitation Manual, 1976, Recommendation of the U. S. Public Health Services.

6-008.18 Recreational Camp Inspections: All Wilderness Challenge Programs must be licensed as a Recreational Camp by the Department of Health and Human Services Regulation and Licensure. See 178 NAC 1.

6-008.19 Experiential Challenge Course Inspections: All experiential activities that use equipment, other than basic camping equipment, shall be inspected every two years by the Department of Labor, Safety Division.

6-009 Licensing Standards for Child Placing Agencies: Each applicant for a child placing agency license shall meet these licensing standards and the requirements in 474 NAC 6-005 to obtain a license. A license issued before these regulations become effective is valid until the time of license renewal.

6-009.01 Administration

6-009.01A Incorporation: Any agency engaging in child-placing activities in Nebraska shall -

1. Incorporate as required by Nebraska state statute. The purposes for which the agency is incorporated must be stated in its articles of incorporation; and
2. Develop a written statement of its functions, policies, and programs and provide it to the Department's licensing unit for approval.

6-009.01B Governing Board: The governing board shall:

1. Make all agency policies;
2. Arrange financing and provide general management of the agency;
3. Employ an executive director to assume administrative responsibility and authority to carry out agency policies and the day-to-day operations of the agency;
4. Authorize the executive director to hire and discharge employees directly responsible to him/her;
5. Authorize the executive director, program director, or designee, in writing;
 - a. For adoption agencies, to accept temporary custody, accept relinquishments, plan for children, and consent to adoptions;
 - b. For agency-based foster care, to accept temporary placement and to plan for children;
6. Meet at least once a year and as often as necessary for the agency to function properly. Between meetings, the executive committee shall meet, as necessary, to transact business;
7. Keep a permanent record of the minutes and distribute copies to all board members;
8. Ensure that all local, state, and federal law and administrative rules and regulations are followed by the agency; and
9. Have Nebraska licensed legal counsel available for consultation.

6-009.01C Finances: The agency shall:

1. Have a sound financial program enabling it to carry out the functions shown in its articles of incorporation;
2. Operate on a budget approved by the governing board before the beginning of each fiscal year; and
3. Have all of its financial accounts reviewed by a certified accountant at least once a year

6-009.01D Administrative Records and Reports: The agency shall maintain current and accurate records.

The executive or program director shall –

1. Compile and file with the governing board, a monthly written report of the agency's activities and current financial situation;
2. Supply information and special reports requested by the Department;
3. Inform the Department of any plans for major changes in services or facilities; and
4. Ensure that staff employed by the agency follows all agency policies and procedures.

6-009.02 Personnel: The agency shall -

1. Have a written statement of policies which is approved by and reviewed annually by the governing board and made available to all employees;
2. Maintain a file of job descriptions and qualifications for each full-time and each part-time position on the staff, including each volunteer position;
3. Maintain a personnel file for each full-time or part-time employee including an evaluation of staff performance;
4. Maintain a file on each volunteer and occasional cradle caregiver; and
5. Check the background of all employees, volunteers, and cradle caregivers age 13 or older who have contact with children before participation with the agency. The background check shall include contacting the HHS Central Register of Abuse and Neglect, the HHS Adult Protective Services Central Registry, the State Patrol Central Registry of Sex Offenders.

The agency shall employ no individual who has been convicted of, admitted to, or if there is substantial evidence of crimes involving intentional bodily harm, crimes against children, or crimes involving moral turpitude if these circumstances have current bearing on the applicant's provision of placement services. Agency staff shall not engage in or have a history of behavior injurious to or which may endanger the health or morals of the children in care.

All agencies will be given one year from the effective date of these regulations to come into compliance with the standards set for personnel qualifications, excluding requirements for the Executive Director. All agencies must meet applicable standards set forth by the Nebraska Department of Health and Human Services Regulation and Licensure regarding professional licensure.

6-009.02A Executive Director Qualifications: The agency executive director shall have two years of child welfare programming management experience.

6-009.02B Program Director Qualifications: The agency program director shall have -

1. A Master's degree in a human services field and one year of full-time equivalent experience in child welfare programming; or
2. A Bachelor's degree in a human services field and three years of full-time equivalent experience in child welfare programming.-

6-009.02C Casework Supervision Qualifications: Casework supervisors shall have a Bachelor's degree and 2 years of full-time equivalent child welfare programming experience.-

6-009.02D Caseworker Qualifications: Caseworkers shall have a Bachelor's degree in human services or a related field or five years of full-time equivalent experience in child welfare programming and a high school diploma or GED.

6-009.02E Training: All staff members, including volunteers (but excluding cradle care givers or volunteers who provide occasional services), who care for children shall obtain and document in writing:

1. Twenty-four clock hours of Department-approved pre-service training before assuming his or her duties unsupervised. Staff who are employed before the effective date of this regulation are exempt from this requirement; and
2. At least 15 clock hours of Department-approved in-service training annually within the effective dates of the agency's license.

Each training hour must be approved by the licensing specialist and specifically related to the skills necessary to care for children in need of out-of-home placement and/or adoption. Volunteers who provide occasional services and are supervised at all times are exempt from this requirement.

6-009.02E1 Activities Counted as Training: Each hour spent participating in any of the following types of child care-related activities counts toward pre-service and yearly in-service requirements:

1. Department-sponsored training;
2. Workshops;
3. In-service training sponsored by professional organizations or educational institutions;
4. Department-approved reading material;
5. College courses;
6. Non-credit course work;
7. Adult education courses;
8. Videotaped material;
9. Audiotaped material;
10. Continuing education units (CEU's); and
11. Other Department-approved training.

Written documentation must be available for each of the listed types of training. All training must be approved by the Department's licensing unit.

6-009.03 Intake: The agency shall:

1. Clearly define its method of providing an application and an intake process;
2. Provide an office and privacy for the interview;
3. Ensure that intake workers receive training in community resources and referral procedures; and
4. Have available written information on all services offered by the agency.

6-009.04 Transportation Safety: The agency shall ensure that safety restraints are available and used for each child transported, in compliance with Neb. Rev. Stat. Sections 60-6,267, 60-6,268, and 71-1907. Restraints are not required for children transported by public transportation or school bus.

6-009.05 Confidentiality: The agency shall consider all records confidential and shall safeguard the information. All files in the office must be under single lock during office hours and double lock when the office is closed. The agency shall have policy and procedures:

1. Addressing the training of employees, cradle care givers, and volunteers regarding confidentiality; and
2. Regarding confidential files that are removed from the office and how they will be safeguarded.

6-009.06 Adoption Services

6-009.06A Adoption Services to Biological /Birth Parents and Their Children: Each child placing agency shall provide services to both parents, unless the parent is physically unavailable or refuses services. The physical unavailability or refusal of services must be documented in writing. This requirement includes adoptive parents who decide to relinquish a child. These services shall include:

1. A minimum of four hours, documented in writing, of face-to-face educational and support services to allow parents to make decisions regarding relinquishment prior to the relinquishment;
2. Educational and support services to the parents in their own homes or communities from a Nebraska-licensed Child Placing Agency;
3. Stressing the need for medical care during a pregnancy;
4. Explaining to the parents what rights are terminated by relinquishment;
5. Information provided to the parents during the process of deciding on a plan and placement for their child. This must include information on parenting, extended family parenting, cradle care placement, social services, types of adoption, and the effects of adoption;
6. Cradle care available for temporary care while the biological/birth parent makes a decision regarding relinquishment or for a child who may need a temporary placement while awaiting an adoptive family; and
7. Policy and procedure describing the available post placement educational and support services.

6-009.06B Records: Each agency shall have a central filing system. The agency shall maintain the following in each adoptive family's record:

1. An application including:
 - a. Family members' names, relationship to one another, education, and income;
 - b. Three personal references and current employment references; and
 - c. Completed background checks on all members of the household age 13 or older. The background checks shall include contacting the HHS Central Register of Abuse and Neglect, the HHS Adult Protective Services Central Registry, the State Patrol Central Registry of Sex Offenders;

2. An adoption pre-placement home study, on agency letterhead, which includes-
 - a. Two face-to-face visits not to be less than six hours;
 - b. A home visit - tour of the home, meeting all family members in the home, other persons living in the home, and a written description of the home,
 - c. Demographics - age, race, gender, occupation, religion, family cultural lifestyle, and education;
 - d. Family history, parenting philosophy, experience with children, techniques of discipline, motivation for wanting a child, social supports, leisure activities, legal history, financial history, and fertility history;
 - e. Medical and mental health information; and
 - f. Recommendations on the approval status of the family and the type of child to be matched with the family;
3. Annual update of the home study to address status changes and including background checks, medical statements, and one face-to-face home visit;
4. Concise written information, signed by the adoptive parent, regarding the fees for services and how the fees are utilized;
5. A current copy of the other state agency's license when working on an adoption or home study with an agency that is located out of the State of Nebraska; and
6. At the time of the closure of an adoption Child Placing Agency license, the agency will make arrangements with a Nebraska licensed Child Placing Agency to allow access to all closed adoption files for the purpose of adoption searches and post adoption services. Both agencies must inform the Department's licensing unit in writing of the agreement.

Child's records must include basic intake information, medical and dental information, identifying information on where the child was placed, biological/birth parent medical and social history, relinquishments documentation, placement agreement, agency consent, adoption decree, and documentation of service delivery.

6-009.06C International Adoptions and Home Studies: Agencies providing international adoption services shall:

1. Document in writing specialized training that includes pre- and post-adoption services regarding international adoptions for both employees and adoptive parents; and
2. Have available written information concerning adoption procedures for each country that the agency works with regarding adoption.

6-009.06D Interstate Placements: The agency shall make interstate placements only in accordance with the laws and regulations of Nebraska and those of other states concerned with the placement.

6-009.06E Accepting Relinquishments and Making Placements: Agencies accepting relinquishments and placements shall:

1. Follow all requirements for adoption set forth by the Nebraska State Statutes;
2. Not allow a biological/birth parent to sign a relinquishment earlier than 48 hours after birth;
3. Accept relinquishments only from birth parents who are cognitively capable of signing a relinquishment; and
4. Provide to adoptive and biological/birth parents a set of all forms they individually signed regarding relinquishment and placement.

6-009.06F Preparation of Child : The worker shall prepare the children for placement by, appropriate to the child's age:

1. Discussing the reason for placement in terms the child may understand;
2. Providing opportunities for the child to become familiar with aspects of the new situation before placement; and
3. Having a medical evaluation completed within 14 days of an initial foster care placement and annually thereafter. If there is no record of a previous exam one must be completed within 60 days of placement for a secondary foster care placement.

6-009.06G Post-Adoption Services: The agency will have policies and procedures regarding how the agency will provide post adoption services.

6-009.06H Supervision of Placement: The agency shall establish policy and procedure for the supervision of each child's case after placement in an adoptive home, which shall include two face to face visits with one visit in the home with the child present.

6-009.07 Foster Care Services

6-009.07A Foster Care Services to Biological Parents and Their Children: Each child placing agency providing foster care services shall:

1. Ensure any permanency plan for the child is observed; and
2. Provide basic orientation information to all parents.

6-009.07B Records: Each agency shall have a central filing system. The agency shall maintain the following in each foster family's record:

1. Record that the foster home is licensed according to Department standards;
2. An application including:
 - a. Family members' name, relationship to one another, education, and income;
 - b. Three references;
 - c. Completed background checks on all members of the household age 13 or older, as specified in 474 NAC 6-003.25B;
3. A foster home study on agency letterhead that includes-
 - a. One face to face visit;
 - b. A home visit consisting of a tour of the home, meeting all family members and persons living in the home, and a written description of the home;
 - c. Demographics - age, race, gender, occupation, religion, family cultural lifestyle, and education;
 - d. Family history, parenting philosophy, experience with children, techniques of discipline, motivation for wanting a child , social supports, leisure activities, legal history, and financial history;
 - e. Medical and mental health information updated every two years; and
 - f. Recommendation concerning the family.
4. Payment agreements between the foster parents and the agency; and
5. Rights and responsibilities of the foster parents and the agency.

Child's records must include basic intake information, placement agreement, educational information, other services providers, medical and dental information, location of the child, and documentation of service delivery. A personal item inventory must be kept listing all items the child brings to the placement and updated every time the child acquires a new item or loses or damages an item. The inventory must be signed each time a new inventory is developed by the foster parent, child, and guardian, if possible. All items will be returned at the time the placement terminates.

6-009.07C Preparation of the Child: The worker shall prepare the child for placement by, appropriate to the child's age:

1. Discussing the reason for placement in terms the child may understand;
2. Providing opportunities for the child to become familiar with aspects of the new situation before moving if possible; and
3. Having a medical evaluation completed within 14 days of an initial foster care placement and annually thereafter. If there is no record of a previous exam one must be completed within 60 days of placement for a secondary foster care placement.

6-009.07D Orientation of the Biological Parents: Within 30 days of placing the child, the agency shall document in writing the following information and how it was presented to the child, parents, or guardian. For placements made by public agencies, this must be completed at the direction of the agency:

1. What effect the placement will have on the child; and
2. The sharing of responsibility between the agency and the parents, which may include medical services, visitation, and agency contacts.

6-009.07E Services to Foster Parents:

6-009.07E1 Before the child is placed in the foster home, the agency shall give the foster parents all pertinent information in writing to aid their understanding of the child's personality and needs.

6-009.07E2 The case worker shall discuss with all those concerned the roles and responsibilities of the foster family and the child's own family. This must be documented in writing.

6-009.07F Supervision of Placements: The agency shall establish policy for the supervision of each child's case after placement in a foster home. The supervision shall be documented in writing in the child's file.

6-009.08 Interstate Placements: The agency shall make Interstate Placements only in accordance with the laws and regulations of Nebraska and those of other states concerned with the placement.

6-009.09 Agency Located Outside of Nebraska: An agency located in and licensed by an adjacent state may be licensed to place children in Nebraska. The agency shall:

1. Submit a copy of its articles of incorporation, a copy of its license, and a written evaluation summary from its state's licensing consultant to the licensing agent;
2. File its articles of incorporation with Nebraska's Secretary of State;
3. Have an office in a state adjacent to Nebraska where all operations are conducted and the Executive Director is located; and
4. Meet all requirements set forth in 474 NAC 6-009 for the licensing of a child placing agency in Nebraska.